



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, WEDNESDAY, SEPTEMBER 28, 2016

No. 147

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Master, strengthen us so that we will live blameless lives, doing what is right and speaking the truth with sincere hearts. Forgive us when we listen to the cynical angels of our carnal nature, and renew in us a spirit of faith and optimism.

Empower our Senators to be true to their duties, making the commitment to labor with integrity. Lord, instruct them with Your wisdom, protect them with Your might, and guide them with Your love.

Chase away thoughts that bring discouragement and fear, as we remember that nothing is impossible for You.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRUZ). Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### REMEMBERING SHIMON PERES

Mr. McCONNELL. Mr. President, we were saddened to learn last night that

Shimon Peres, the ninth President of Israel, has passed away at the age of 93. He leaves behind a remarkable legacy of service on behalf of the people of Israel and a lengthy résumé to match. The Nobel Peace Prize, the Presidential Medal of Freedom, the Congressional Gold Medal—Peres earned them all. In fact, I was honored to be a part of the ceremony to award him that Gold Medal just a few short years ago.

His political career is one that spans nearly seven decades and encompasses just about every high office imaginable: President, Prime Minister, peacemaker, revered statesman, and one of the last remaining connections to the founding of the modern State of Israel. This is how the world will remember Shimon Peres, but above all, we will remember him as the embodiment of a nation that the United States is privileged to call an ally and dear friend.

Our thoughts are with his family; with our friends, the people of Israel; and with the many others around the globe who mourn his passing today.

### BUSINESS BEFORE THE SENATE

Mr. McCONNELL. Mr. President, moving on to the business before the Senate today, last week the President vetoed the Justice Against Sponsors of Terrorism Act. At noon today, the Senate will vote on whether to override his veto of that legislation. After this vote, Members should be prepared for votes on the continuing resolution.

Our colleagues in the House made good progress last night on a way forward to help the people of Flint in the Water Resources Development Act, or WRDA, which, as we have said, is the proper vehicle. The Senate already voted overwhelmingly—95 to 3—to pass assistance to Flint families as part of the WRDA bill, and both Chairman INHOFE and I have pledged to continue to pursue resources for Flint once WRDA goes to conference.

As a result, we are hopeful that we will soon reach an agreement with our Democratic colleagues to move forward on the clean CR-Zika package today. It includes important resources to support our veterans, to combat the Zika virus and heroin and prescription opioid crisis, and to serve as a significant downpayment for flood relief. It also funds all current government operations through December 9 at last year's enacted levels. Let's keep working together to pass it.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### REMEMBERING SHIMON PERES

Mr. REID. Mr. President, on a codel that I led, we were going to stop in Israel, and I told all of the Senators with me that I wanted to take time while we were there to meet my favorite statesman who I had ever met, and that is Shimon Peres.

As my friend the Republican leader outlined, he has a distinctive résumé. I will always remember Eric Cantor, the Republican leader in the House at the time—I called him and said: Shimon Peres is going to be 90 years old, and it would be wonderful if we could get that Gold Medal done during the time he is 90. Eric delivered. It wasn't easy, but he delivered, and I will always remember that. It meant a great deal to this man who had received so many different awards, but to get the highest distinction we as Members of Congress can give someone is something he deserved. As I have indicated, he is the most inspirational public servant I have ever encountered. And when we met him in Israel, he didn't let me down. He was stunningly visionary, like I had always known him to be. What I have said is not hyperbole in

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S6165

any way. I repeat, he was the most visionary and inspirational leader I have ever known.

Let me repeat some of the accomplishments my friend the Republican leader just outlined. He was the Prime Minister of Israel twice, Acting Prime Minister twice, President of Israel, Minister of Defense twice, Minister of Finance, Minister of Transportation, and he served in eight other Cabinet posts. That is a pretty good record.

Shimon Peres was a brilliant man who spoke 6 languages and authored 11 books. He was the definition of a statesman. He was a guiding light for peace—always for peace. He made Israel and the Middle East and the world a better place.

Above all, we should all learn something from this good man. Here is what he said, and this is how he lived his life:

Optimists and pessimists die the same way. They just live differently. I prefer to live as an optimist.

That really says it all. He lived his entire life as an optimist. From the challenges he and his family faced because of the Holocaust to his work for a lasting peace to secure Israel, he never wavered in his hope for the world. He was always looking forward. He had some political battles. The leaders of Israel had all been in the military fighting. He never served in the military, but his abilities were so pronounced that he was able to succeed, as I have outlined in his résumé.

The last time I talked to him, I called him and I said: One of my prize staff members, Jessica Lewis, is coming to Israel with her dad, and her father has never been to Israel. I have told them how I feel about you. Is there any way you could meet them?

And he met them. Of course he did. He spent time with them. That is who he was, a person whom I so admired, and he had time for Jessica and her dad.

I join the people of the world in mourning the passing of this good, kind, and inspirational man. I send my deepest condolences to his family and the people of Israel. I am so happy that the delegation of people who are going to attend his funeral will be led by the President of the United States, Barack Obama.

I will miss Shimon Peres. The world will forever miss this good person.

#### FUNDING FOR FLINT, MICHIGAN

Mr. REID. Mr. President, I am happy to see the progress that has been made in the House of Representatives with respect to Flint, MI. This is a step in the right direction toward advancing funding for the people of Flint in the lameduck. However, I do have some concern. The statement of my Republican colleague, the leader of the Senate, was that he and Senator INHOFE would work toward funding. This should be easy. Why can't they just say they will do it? This is not deficit

spending; this is money that the people of Michigan have allowed—STABENOW and PETERS—to be given up. It is Michigan money that is going to be used in a different way. The money is already there. We overwhelmingly supported it.

So, as I have said before, we will continue to exercise caution moving forward, but I am glad to see that progress has been made. If it were up to me, I believe these three nationally declared emergencies—Louisiana, \$2.8 billion—what happened in Baton Rouge and other parts of Louisiana was devastating. There were rainstorms that even the coast of Louisiana had never seen before—never seen before. Thousands of structures were damaged, and hundreds of them were destroyed. I think they are entitled to work on fixing all of that. We should do as we do with emergencies.

The Presiding Officer is from Texas, and we have stepped forward every time there has been an emergency in Texas and taken care of it, whether it was an explosion that blew up a facility there, whether it was floods. The many problems Texas has had over the last decade, we have taken care of them, as we should.

I think West Virginia, which has an emergency declaration of \$310 million—that should be taken care of.

A much smaller one but a very important one to the people of Maryland—small in proportion to the two I just mentioned—that is nationally declared. We should take care of it.

So I hope we will not continue to mourn the fact that these emergencies occur, these national disasters occur; we have to take care of them. I hope we can do that. It would be the right thing to do.

I look forward to continuing to try to work something out on the CR. We are not there yet, but I hope we can get that done expeditiously.

Mr. President, I ask that the Chair announce the business of the day.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5325, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5325) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Pending:

McConnell (for Cochran) amendment No. 5082, in the nature of a substitute.

McConnell amendment No. 5083 (to amendment No. 5082), to change the enactment date.

McConnell amendment No. 5084 (to amendment No. 5083), of a perfecting nature.

McConnell amendment No. 5085 (to the language proposed to be stricken by amendment No. 5082), to change the enactment date.

McConnell amendment No. 5086 (to amendment No. 5085), of a perfecting nature.

McConnell motion to commit the bill to the Committee on Appropriations, with in-

structions, McConnell amendment No. 5087, to change the enactment date.

McConnell amendment No. 5088 (to (the instructions) amendment No. 5087), of a perfecting nature.

McConnell amendment No. 5089 (to amendment No. 5088), of a perfecting nature.

Mr. REID. Mr. President, the Chamber is vacant, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

#### JUSTICE AGAINST SPONSORS OF TERRORISM ACT—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the veto message to accompany S. 2040, which the clerk will report.

The senior assistant legislative clerk read as follows:

Veto message to accompany S. 2040, the Justice Against Sponsors of Terrorism Act.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate equally divided between the leaders or their designees.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to open the debate today on the effort by this body and by the U.S. Congress to give the loved ones of the victims of terrorism on 9/11 their day in court—simple justice.

Fifteen years ago we stood in horror as our country suffered the worst terrorist attack on the United States in the history of our Nation. Nearly 3,000 innocent lives were lost, including heroic first responders, firemen, police, and beloved honorable men and women—148 of them from my home State of Connecticut. Over these years, I have watched and listened to them in their strength and courage as they have tirelessly sought to make this system of justice work in the memory of their loved ones.

The terrorists who struck on 9/11 tried and failed to destroy that system of justice and the ideals of this Nation. Our hearts were broken, but our country and our ideals were not.

Over the past 15 years, I have been honored to work with those families. Today gives us the opportunity to move forward with legislation, despite the President's veto.

I deeply respect the President and the reasons that he has given for vetoing the Justice Against Sponsors of Terrorism Act, but I urge my colleagues to move swiftly and soundly to reverse this veto so these families can have their day in court. That is what the legal system of this country is designed to do. It is the system where I spent my career before the Senate

working to ensure accountability for wrongdoers and the restoration of victims' rights—promises to citizens that are made by our Constitution that there will be a neutral and fair forum to determine their claims.

These families will never get their loved ones back, but they deserve justice and a day in court. That is why today we will, I hope, override the President's veto.

Fifteen years after that tragedy we are still learning facts, but there is mounting evidence that the Saudi Government—or at least organizations and operatives within the Saudi Government—aided and abetted one of the most massive crimes in the United States. In our system, the truth behind those facts deserves to be presented in a court—a court of law where fairness and justice will be assured. This measure does not prejudge a verdict or issue a judgment. It gives both sides a fair day in court.

If the Saudi Government had no involvement in 9/11, it has nothing to fear. But if it was culpable, it should be held accountable. That is the basic principle of this measure.

When all is said and done, the Justice Against Sponsors of Terrorism Act simply closes a loophole that was created by the courts, contrary to the intent of this body. That loophole, in effect, permits foreign governments to aid and abet crimes against the citizens of this country as long as its aiding and abetting occurred outside of our borders. Think of it as a missile launched from another country by terrorists with the support and assistance of that foreign government. That foreign government can evade any and all responsibility simply because the missile was launched outside our borders. Similarly, the missile of terrorism can be launched outside our borders and the foreign government, including Saudi Arabia, is able to evade all responsibility under the decision made by the Second Circuit Court of Appeals in New York, which created that loophole. So that foreign government can give terrorists bags of money and tons of explosives to carry out murder within our borders, as long as it does so outside our borders. That is wrong.

The principle here is broader and bigger than Saudi Arabia or even the 9/11 victims. It is about simple justice. Our law should recognize the reality that global crimes can be sponsored and supported outside our borders and inflict grave harm, including murder, on the citizens of our country within our borders.

This loophole will be closed by this measure for the benefit of not only the 9/11 victims but also potential victims in the future. It will send a message and deter violent crime in this country aided and abetted by foreign governments in the future. It will deter that kind of violence through an ideal and a tradition that is uniquely American. It is a system of justice that imposes accountability and makes sure that everybody has a fair day in court.

I know questions have been raised about potential retaliation or reprisal against members of our military or citizens in other countries. This Nation should stand firm and strong against terrorist violence. We have nothing to fear as long as we do not engage in supporting or sponsoring the kind of violence that occurred on 9/11 here. We must trust that our government would never be responsible for that kind of aiding and abetting of deliberate killing of innocent civilians, the purposeful massacre of people who are innocent.

I am honored to begin this debate. I hope it will be closed in a way that vindicates the rights as well as the interests of our country. I am proud to join colleagues on both sides of the aisle. This measure has been bipartisan from the start.

I particularly thank my colleagues Senator SCHUMER and Senator CORNYN for their leadership. I believe a bill unanimously passed by both houses of Congress, strongly supported by both sides of the aisle, deserves to become law. I trust and believe it will today.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BLUMENTHAL. Yes.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senate is not in a quorum call.

The Senator is recognized.

OSHA AND ANHYDROUS AMMONIA STORAGE

Mrs. FISCHER. Mr. President, I rise today to address a recent ruling from the U.S. Court of Appeals for the DC Circuit. Last week, the court issued a ruling that was a victory for America's ag producers and a rebuke to Washington regulators. Specifically, the court ruled the Occupational Safety and Health Administration, or OSHA, violated the law when it imposed new limits on anhydrous ammonia storage.

I realize many of my colleagues may not be familiar with anhydrous ammonia. But for those of us who make our living from the land, it is the most cost-effective and commonly used fertilizer in production agriculture. Anhydrous ammonia is an essential input for ag producers in Nebraska and all across this country. It allows them to produce more food while using less land, less water, and, yes, less fertilizer.

Producers receive anhydrous ammonia from retail facilities. In Nebraska, these facilities are primarily farmer-owned cooperatives, found in more than 400 locations across the State. These facilities store anhydrous ammonia in tanks on their property, and since 1992, these tanks have been exempt from certain OSHA regulations. But in 2015, OSHA issued a new standard affecting these retail fertilizer facilities, and they did so illegally, without public notice or industry input.

OSHA's new standard would have required retailers to provide documenta-

tion that these tanks fit certain specifications. If a retailer couldn't produce that paperwork, then he or she would be required to purchase an entirely new tank. These tanks are expensive. The starting price is in the neighborhood of \$70,000. Furthermore, anhydrous ammonia tanks vary in size from State to State, and several tank manufacturers are no longer in business. OSHA's unrealistic expectations made it impossible for these retailers and producers to obtain the needed paperwork, which meant that these retailers would have been forced to purchase those pricey new tanks, even though their old ones worked just fine. Understandably, this became a major headache for retailers and producers.

For example, in my home State of Nebraska, Central Valley Ag Cooperative, which is located in York, anticipated compliance costs of \$5.6 million. This includes an additional \$100,000 of ongoing compliance costs every year. In Elmwood, NE, Midwest Farmers Cooperative estimated producers would spend \$20 to \$28 more per acre when applying fertilizer to their fields. Given the current state of the farm economy, these increased costs would have been devastating. They would have forced many farmers to leave the industry altogether.

That would be heartbreaking enough, but there was another, even more troubling aspect to OSHA's standard. They never put it through the required public notice and comment process. OSHA is required by law to conduct this process, as are most Federal agencies, whenever they issue a new regulation or standard. The public notice-and-comment period is a built-in safeguard. It allows those who would be affected by a proposed regulation to have their voices heard, and, ideally, the government would listen to their voices. But OSHA didn't follow the rules. They did not listen. They didn't even try to listen. They said their new policy was effective immediately. That was unacceptable to me.

In response, this summer I introduced bipartisan legislation with Senator HEIDI HEITKAMP known as the FARM Act. We offered this legislation to provide relief to farmers and force OSHA to follow the law.

Last week, the U.S. Court of Appeals for the DC Circuit reinforced this legislation by forcing OSHA to vacate their illegal and harmful standard. With this ruling, an important precedent has been set. The court made it clear: OSHA improperly expanded the scope, complexity, and costs of regulation on ag facilities that handle anhydrous ammonia. By disrupting the supply of a vital fertilizer, OSHA would have disrupted farming operations. Worse, they would have harmed farmers' ability to do their jobs and also to provide for their families.

I am relieved that the courts came in and upheld the rule of law. America's ag producers will now face one less hardship. They can focus on feeding the

world and providing for their own families.

At the same time, I remain appalled that OSHA would so brazenly disregard the law in the first place. This is another example of why the American people don't trust the Federal Government. Honestly, I don't blame them. When the Federal Government doesn't follow its own law, it destroys public trust. Out-of-control agencies, like OSHA, which do not follow the law need to be stopped when their overly burdensome regulations hurt Americans.

Let the American people do their jobs. Let them raise their families, earn their living, and pursue their life's purpose. When the bureaucracy fails to do this, it is the responsibility of Members of Congress to step in. I am glad that I have done so.

Mr. President, I yield the floor.

Mr. President, I ask unanimous consent that all time spent in a quorum call before the vote on the veto message to accompany S. 2040 be charged equally against each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, as the Senate knows, today we are considering the President's misguided decision to veto a piece of legislation that passed this body unanimously by unanimous consent and likewise passed the House of Representatives with no dissenting votes.

In our polarized politics of today, this is pretty much a close-to-miraculous occurrence because Democrats and Republicans, Senators and House Members, have all agreed the Justice Against Sponsors of Terrorism Act, which gives the victims of a terrorist attack on our own soil an opportunity to seek the justice they deserve—all of us have come together and agreed this is appropriate and the right thing to do.

At a time when international terrorism is spreading, FBI Director Comey yesterday warned of a terrorist diaspora. The Justice Against Sponsors of Terrorism Act will send a strong message that those who sponsor terrorist attacks on American soil, including foreign governments, will answer to those victims and pay for the death and destruction they cause.

Current law already allows for American victims to sue foreign governments for many different offenses committed by their employees—commercial wrongs, assault, drunk driving, rape, human trafficking, among others. That is already part of existing law.

JASTA would clarify that sponsoring an act of terrorism in America is added to that list. If we allowed lawsuits against foreign governments for bar fights, contract breaches, drunk driving, then we should allow the victims of a terrorist attack on our soil the opportunity for their day in court as well. This is an important piece of legislation, and it is straightforward. That is why I believe we got the unanimous support in both bodies that we have.

I want to make clear, though, that this has not been a quick process. This legislation has been pending since 2009, and we have worked through a number of Members' concerns they have expressed along the way in order to modify the legislation and build the consensus we now have achieved. There have been many different drafts and feedback from Members, a lot of consultations with family members who have been affected, and a lot has gone into this legislation. That means this bill has been negotiated and hammered out over a long period of time, and that is the reason we were able to garner such strong support from both bodies to get the bill passed.

Last Friday, the President chose to ignore the voices of American terrorism victims by vetoing this legislation. Fortunately, today this Chamber will have a choice and have a chance to exercise our constitutional prerogative under article I, section 7 of the Constitution. We will have a chance to act as a check on President Obama to override his veto.

I have read President Obama's veto message, and it is not persuasive. That is because it described a bill that doesn't exist and misrepresents the state of the law. He cites concerns that the bill would "create complications" with some of our close partners. The truth is, JASTA only targets foreign governments that sponsor terrorist attacks on American soil, plain and simple. I don't know how that would create complications with some of our close partners.

The financing of terrorism in the United States is not behavior we should tolerate from any nation, allies included. How can anyone look the families in the eye and tell them they shouldn't have the opportunity to seek justice against a foreign government responsible for the death of their loved one?

The President has claimed this legislation would result in a flood of lawsuits against Americans by foreign governments. What the President ignores is that we are already being sued by foreign nations under the current state of the law, but a law like JASTA applied reciprocally will open no such floodgates.

The President even had the audacity to claim this legislation might lead to lawsuits against members of the military, but had he read the plain text of the bill, he would know this bill only allows for lawsuits against foreign gov-

ernments, not individuals. He would also know it contains a specific exemption for our Armed Forces.

Finally, JASTA is not a sweeping legislative overhaul that dramatically alters international law. It is an extension of law that has been on the books since 1976. Once again, there are numerous exceptions that prevent foreign governments from shielding themselves from litigation when they cause harm.

The President has also complained this applies to conduct committed abroad, but today and for 40 years our law has been replete with immunity exceptions that apply to conduct committed abroad. This bill just adds another exception.

At the end of the day, this vote is about doing what is right for the American people. Some of our colleagues have expressed concerns about how it might be interpreted by some of our allies, but the fact is, this legislation does not mention any particular country. All it does is it carves out an exception to this notion of sovereign immunity for conduct committed in a terrorist attack on American soil.

The whole idea of sovereign immunity comes from England and our Anglo-American inheritance in our law. The notion is that the King in England could do no wrong so you couldn't sue the government, but we have recognized the injustice that would cause, even in our own country, when Congress has passed numerous exceptions under which the U.S. Government can be sued in our own court, recognizing that equal justice under the law does not create a situation where it should not tolerate a situation where the government was simply immune from litigation and paying its fair compensation in individual lawsuits.

This legislation is about pursuing justice and the legal process it continues to serve as a foundation to our Republic. At its core, this bill is about respecting the voices and the rights of American victims. I believe we have many important allies around the world with whom our interests are aligned, but when our interests diverge, and it is a question of protecting American rights and American values, I think we should always do that rather than somehow subjugate those rights and values to the interests of some foreign government.

This is not about severing our relationship with any ally. This is simply a matter of justice. This is about respecting the voices and the rights of the American victims. At about noon today, this Chamber should vote overwhelmingly to override President Obama's veto of the Justice Against Sponsors of Terrorism Act because the families have already suffered too much. They have already suffered untold tragedy, and they deserve to find a path to closure that only justice can provide.

I, like many of my colleagues, have had a chance to meet with a number of

the families of the victims of 9/11. Their stories are heartbreaking, and I know none of us will forget where we were on that fateful day. Our country has changed undeniably, but for these families, that day and each day serve as a tragic reminder of deep, personal loss.

One of these family members whom I have had the chance to get to know is Marge Mathers, who now calls Texas home. Marge's husband Charles worked on the 99th floor of the North Tower of the World Trade Center. She says she turned on the television that fateful day and watched in horror as the tower in which Charles was working collapsed.

Marge moved to Texas soon after September 11, but her grieving—and our Nation's grieving—continues and of course will never completely end. Long ago, I pledged to Marge and to other families I have met that I would do my very level best to help them right this wrong and to provide them an opportunity to make their case in a court of law. So we will fix this law by extending this 1976 provision, the Foreign Sovereign Immunities Act, to allow the families and the victims of the 9/11 tragedy to seek justice in a court of law in an American court.

These families should have the right to make their case. These families should have the freedom to have their day in court, to have a judge hear their case, and to hold accountable those who played a role in their suffering. That is what this legislation is all about, providing them the freedom to do so.

The families of the 9/11 terrorist attacks that occurred in the United States have waited a long time, and I am hopeful they will not have to wait any longer for the opportunity to pursue justice. I hope every Member of this body will join me in supporting this bill one more time and we will vote to override the President's veto and further the cause of justice for these victims.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

#### FUNDING FOR FLINT, MICHIGAN

Mr. REID. Mr. President, I come to the floor today to give the people of Flint, MI, the assurance that they are going to get some help after more than a year. I have had an opportunity to meet with Senator STABENOW. I talked with her a number of times this morning. I have had occasion to visit with the majority leader, and I have spoken with Leader PELOSI. I am convinced that there is going to be help for Flint in the lame-duck. They have been wait-

ing for help, they deserve help, and I am very happy that it is going to come. The people there deserve relief. What is going on there has been wrong, but now I feel very comfortable in being able to say that the people of Flint, MI, will get help. I have had conversations with people who have been given the assurance by the Republican leadership that something will happen in the lame-duck. We have been waiting a long time to get this done, and it is going to happen.

As I indicated a minute ago, I have had a number of conversations with Leader PELOSI this morning, and she—I never want to say what someone said, but I can say that I felt comfortable, after speaking with her, that the House feels comfortable with where they are on Flint, and we feel comfortable here in the Senate.

I really appreciate the hard work of Senator STABENOW and Senator PETERS because they have been tireless, relentless to make sure the people of Flint, MI, get some help.

I think it should be a good day for the Senate. It should lead to our being able to move forward on the continuing resolution. There are a couple of outstanding issues, but I think they should be able to be resolved.

I yield the floor.

Mr. BLUMENTHAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to speak about the Justice Against Sponsors of Terrorism Act, better known as JASTA.

I am going to support the veto override, but it is not without concern for the potential unintended consequences. I have come to the conclusion that the risk of shielding the perpetrators of terrorism from justice outweighs the risks on how other countries might respond to and perhaps compromise U.S. interests.

Fifteen years have passed since the September 11, 2001, terrorist attacks, but in my home State of Maryland and across the country, the pain caused by the events of that terrible day is still very real. The 9/11 attacks were a national tragedy for the United States, but we were personally devastated for fathers, mothers, husbands, wives, and children in Maryland and throughout the country. The 9/11 victims and their families deserve meaningful relief, and I cannot support putting obstacles in the way of victims of terrorism seeking justice.

I understand that this legislation may have an effect on long-held sovereign immunity principles, and I share some of those concerns that the President has articulated in his veto mes-

sage. I share the President's view about the importance of upholding sovereign immunity to the extent that we can and to the extent that it makes sense, but the principles of sovereign immunity were put in place at a time when acts of international terrorism were not as common. Exceptions to sovereign immunity have grown over time as times have changed. In today's world, it is my view that we must make sure that the international community understands that there is a clear distinction between those who oppose terrorism and those who sponsor terrorism. Those who commit or support terrorist acts in the United States should face the full weight of our justice system.

JASTA's intended purpose is to create a tort exception that allows victims and their families to seek justice for acts of international terrorism in the United States that are caused by terrorist torts of a foreign state or its officials. Terrorism victims and their families in the United States should be able to have their day in court. We cannot, in good conscience, close the courthouse door to those families who suffered unimaginable losses.

I have confidence in the American jurisprudence system and that we will get this right in order to respect the lawful acts of governments but also to hold those who sponsor terrorism accountable under our system of justice.

The legislation restricts the application of this exception. It only applies to acts of terrorism on U.S. soil. It establishes a standard that is greater than negligence in order to be able to have an actionable claim. There is an ability for the government to stay the proceedings to negotiate a settlement. So the U.S. Government can intercede. I think these exceptions were put in and negotiated in order to try to deal with some of the legitimate concerns that were initially raised.

As ranking member of the Senate Foreign Relations Committee, I recognize that there are risk factors in terms of how other countries may respond to the enactment of JASTA. As a nation with hundreds of thousands of troops that serve abroad, not to mention multiple foreign bases and facilities, the United States of America is a country that benefits from sovereign immunity principles that protect our country and our country's interests, its Armed Forces, government officials, and litigation in foreign courts. Therefore, there is a concern of unintended consequences, including irresponsible applications to U.S. international activities by other countries.

While I have faith and confidence in the American legal system, the same faith does not necessarily extend to the fairness of legal systems of other countries that may claim they are taking similar actions against America when they are not. So we need to follow closely how other countries respond and try to mitigate the risks of the United States abroad.

In my role as the ranking member of the Foreign Relations Committee, I intend to do just that. I will seek to work with my colleagues to try to mitigate these risks, and I similarly support the efforts of the State Department and Department of Defense to mitigate any risks to our diplomacy, assets, and troops abroad that may be caused by the enactment of JASTA.

I intend to explore with my colleagues the possibility of whether we need or will need additional legislative action. Such additional legislation would allow justice for family members of the victims of the 9/11 attack while ameliorating some of the potential adverse consequences of JASTA.

Near my Baltimore office in the Inner Harbor of Maryland, there has been created a memorial to the victims of the 9/11 attacks. Inspired by an artifact of the New York World Trade Center, the memorial consists of three 22-foot-long twisted and torn amalgamated steel columns from the Twin Towers. The memorial provides a place for contemplation and a site to remember and reflect upon the events of September 11, 2001, while paying tribute to the 69 Marylanders who lost their lives that day. Each year on September 11, Baltimore's World Trade Center will act as a sundial to mark the chronological inscriptions of the events of that tragic day. Today we hold close in our hearts and prayers those Marylanders who died on that day, as well as the families and friends whose lives have been altered forever.

There are no actions we can take to sufficiently heal the pain and suffering so many thousands of Americans carry with them 15 years after that fateful September day, but our constituents and fellow citizens are asking for a path to justice. This legislation creates that path, and having weighed both sides carefully, I am compelled to uphold it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, last Friday, President Obama vetoed the Justice Against Sponsors of Terrorism Act, JASTA. Given the overwhelming, bipartisan support this legislation enjoys in both the Senate and the House, I was surprised and hence very disappointed the President disregarded the will of the People and chose this course of action. He chose to use his veto pen, but today it is my hope and expectation that the Senate will exercise its constitutional authority to override that veto.

This legislation has been a truly bipartisan effort since the day it was introduced. I joined Senators CORNYN and SCHUMER as an original cosponsor last year.

Our bill is sponsored by 16 members of the Senate Judiciary Committee. And if you know anything about the Judiciary Committee, you know that getting 16 members of our committee to agree on any legislation is no small

task. We have some very conservative members, as well as some very liberal members. Getting all of those members on board with this important legislation is a testament to just how broad its support really is.

I moved this legislation out of our committee unanimously in February, and then the full Senate passed it unanimously in May. The House followed suit and passed it in September. Like the Senate, the House passed the legislation unanimously.

That is how this legislation arrived on the President's desk. It was sent to him with unanimous support in both the Senate and House, from Republicans and Democrats, conservatives and liberals.

But it has run into some opposition. Of course, it is not opposed by the victims of 9/11 and their families. They aren't asking for legislation that tips the scales in their favor. All they want is the opportunity to present their case in a court of law. And that is what this legislation would give them.

The legislation has run into opposition because it is opposed by Saudi Arabia, who has been making threats against the United States about what it might do if Congress stands with the American people and 9/11 victims and their families, instead of the Saudis. Now, according to press reports, the Saudis have gone out and hired an army of lobbyists to work furiously in a last-minute attempt to derail it.

So on what exactly has the White House and Saudi Arabia based its opposition?

They have made a lot of claims, but the one you hear most often is that if the United States stands with the 9/11 victims on this legislation and provides them the opportunity to make their case in court, then other countries could try to haul U.S. soldiers and other personnel into their courts.

But what this claim ignores, of course, is that JASTA does not allow lawsuits against individuals, only foreign governments. JASTA expressly prohibits lawsuits arising from "acts of war." So any claim by the President that this is all about protecting U.S. personnel from being hauled into foreign courts just doesn't hold water.

The second most common argument some are making is that if Congress stands up to the President, the Saudis and their lobbyists, and this legislation becomes law, then the Saudis will respond by pulling their money out of U.S. securities. Well, let's set aside the fact that this appears to be an empty threat. It is highly unlikely that they would follow through on it. But even if they did, there would be plenty of buyers for those securities. But more importantly, is this really how we should be deciding policy? What kind of message would that send to other foreign governments?

The message would be clear: if you want to influence U.S. legislation, make sure to buy up U.S. debt, and then threaten to sell that debt any

time the United States Congress does something you don't like.

We absolutely cannot be intimidated or bend to that type of threat. That would send a terrible message to the rest of the world.

So, it is unfortunate President Obama vetoed this important legislation and that we now need to have this vote.

But, it is my hope and expectation that the Senate—and the House—will stand with the 9/11 victims and their families, and stand up to the President, the Saudis, and their army of lobbyists.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, the decision whether to override the President's veto of the Justice Against Sponsors of Terrorism Act has been a difficult one.

Every Member of this body has vivid memories of September 11: the fires raging in the towers, smoke billowing from the Pentagon, a plane destined for the Capitol, but taken down by brave Americans—the sense that this Nation would never be the same.

I strongly support the ability of Americans who are victims of terrorism on U.S. soil to receive compensation and their fair measure of justice. That, at its core, is the goal of this bill.

I have met with the families. I know many of those killed or injured in the attacks were not only the breadwinners in their families, but also mothers, fathers, sisters, brothers, cousins and friends. I know the families' deep and abiding sense of grief is just as intense today as it was 15 years ago.

This bill has elements that are very strong and have my unqualified support. For example, it expands the Antiterrorism Act to allow victims to hold accountable individuals who aid and abet or conspire to commit terrorist attacks.

I have decided to support the bill today, but continue to be concerned about unintended consequences that may require Congress to revisit this bill in the future.

My key concern relates to the exception to the immunity of foreign governments. Proponents of this bill argue that the exception is narrow, that it applies only if a foreign nation, with ill intent, takes unlawful actions that cause an act of terrorism on our soil.

But other nations that are strongly opposed to American actions abroad could respond by using the bill as an excuse to adopt laws that target our own government's actions.

A September 15 Washington Post editorial said it well: "It is not a far-fetched concern, given this country's global use of intelligence agents, Special Operations forces and drones, all of which could be construed as state-sponsored 'terrorism' when convenient."

Those of us on the Senate Intelligence Committee know that, if other countries respond to JASTA in this

manner, it could jeopardize our government's actions abroad. If that happens, it is likely that our government would be forced to defend against private lawsuits, which could pose a threat to our national security.

I had hoped some agreement could be reached to narrow the bill's scope to limit those unintended consequences, such as by limiting the bill to the September 11 attacks.

I believe the threat of unintended consequences is real and must be mitigated. To that end I have signed a letter with several of my colleagues who feel as I do that this issue will have to be revisited.

I intend to work with my colleagues on a bill that would limit this bill to the 9/11 attacks, which were singularly devastating to our country. In addition, I intend to look into whether we should limit the bill to apply only to those directly impacted by an attack—including individuals, their estates and property damage, rather than companies with only tangential connections.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, over the course of the last several days, I have met with the victims of 9/11 and, like many people in this body have, I don't think I have ever met a more gracious, genuine, sincere group of people. I know they have sought some way of expressing their desire to seek justice in what happened on 9/11. We all have constituents who come up and meet with us. These people certainly have not been from the State of Tennessee, but I have to say, they have presented their case in a way that is most heartfelt, and I have tremendous empathy for all they and their families have gone through. Yesterday, on the way outside the building, a gentleman came up to me, recognized me, and told me about sitting in his home and seeing the planes go overhead, seeing them kill his wife. He talked to me about the conversation he had with the FBI agent, whom they have now gotten to know, about what had happened.

Senator SCHUMER and Senator CORNYN have done a remarkable job in shepherding through this piece of legislation. I give them tremendous credit for what they have done. I do want to say, I don't think the Senate nor House has functioned in an appropriate manner as it relates to a very important piece of legislation. We have had no hearings in the U.S. Senate this Congress, and we have had no vote—no vote whatsoever—of record on this piece of legislation. As a matter of fact, today will be the first vote. There is no doubt by fact that we went

through the unanimous consent process and no one objected. No one objected. No doubt that registered our "yes" votes, if you will, without a record on this piece of legislation.

Yesterday I brought my niece and nephew to this building before it opened, and I told them about the fact that there is a place in the back here that from time to time I have gone to pray before a big vote, and how in recent times there haven't been many votes that have been that decisive or that have weighed on me as much as this vote today. Today is one of those votes.

I have tremendous concerns about the sovereign immunity procedures that could be set in place by other countries as a result of this vote. I do. For that reason, I have circulated a letter that lays out those concerns, and numbers of people within this body have signed that letter. They have said we feel there could be in fact unintended consequences as a result of what we know is going to happen today.

I have seen our country's standing in the world be eroded over the course of the last several years. I know there is debate over that. In my opinion, I have seen our standing erode. I am concerned about the consequences that over time this vote will have on that. At the same time, I believe the victims of 9/11 do deserve an outlet, a way, themselves, of seeking justice in this particular case.

This, to me, is not about Saudi Arabia, it is about us, and I don't think the Senate has yet gotten it right as it relates to the best way for the 9/11 victims to seek that justice. I know this bill provides them a way for that to occur. I don't think it is perfect. I think a better way might have been to establish some type of tribunal, where experts could come in and really identify what actually happened on discretionary decisions that took place within the country of Saudi Arabia.

We make decisions around here that we believe are to be in our national interests. I have had tremendous difficulty with this one. That is the reason we have generated a letter of concern to the two sponsors of this bill who have handled this in the manner they have. They have done an exemplary job. To me, the Senate has not functioned quite in the manner that it should, nor has the House, and I think we end up today with an imperfect solution.

I have concerns about this legislation not having a waiver. I have concerns about the fact that over time, if this continues to build upon itself, we as a body—a body that, to me, could use some great strengthening. To me, we have a body that is in the process of building itself back to the place it ought to be, and we have done that over the last couple of years. Let's face it. The institution of the United States Senate itself has diminished over time, and we have work to do to overcome that.

On balance, I think this bill has problems. I think we will be dealing with overcoming this over time, and I know numbers of us have joined together to express that, but I do think that to be consistent and to give the victims who have lost so much an opportunity to express themselves in this way is the appropriate thing to do at this time.

I have read the concerns that have been expressed by the head of our Joint Chiefs. I read the letter that came over from the President. Certainly, there are significant and important points to have been made. As a matter of fact, 6 months ago those points might have led us to a slightly different place today.

So with tremendous reservations and concerns about where this legislation is going to lead us, with tremendous empathy toward the victims—who have lived through so much, have seen loved ones gone, it has affected their lives and will affect their lives for the long term—I am going to support passage of this legislation today, but I do so understanding that there could be in fact unintended consequences that work against our national interests, and with a determination—should that occur—to work with others within this body to try to overcome that.

Mr. President, I ask unanimous consent that a bipartisan letter to Senators CORNYN and SCHUMER regarding S. 2040, the Justice Against Sponsors of Terrorism Act, from myself and Senators CARDIN, GRAHAM, FEINSTEIN, ALEXANDER, WARNER, ROUNDS, REED, ROBERTS, COONS, FLAKE, UDALL, COATS, NELSON, THUNE, SHAHEEN, KING, CARPER, COTTON, MCCASKILL, SULLIVAN, MERKLEY, RISCH, SCHATZ, MCCAIN, HEITKAMP, HIRONO, and BENNET be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 28, 2016.

Hon. JOHN CORNYN,  
U.S. Senate,  
Washington, DC.

Hon. CHARLES E. SCHUMER,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS CORNYN AND SCHUMER: We are writing regarding the anticipated override of the president's veto of S. 2040, the Justice Against Sponsors of Terrorism Act (JASTA).

We appreciate the efforts that you have undertaken to allow the families who lost loved ones on September 11, 2001 to have additional recourse.

We have a great deal of compassion for the families and respect their desire for justice. We understand your purpose in drafting this legislation is to remove obstacles so those who commit or support terrorist acts in the United States face the full range of consequences of the U.S. legal system. However, concerns have been raised regarding potential unintended consequences that may result from this legislation for the national security and foreign policy of the United States. If other nations respond to this bill by weakening U.S. sovereign immunity protections, then the United States could face private lawsuits in foreign courts as a result of important military or intelligence activities.



We would hope to work with you in a constructive manner to appropriately mitigate those unintended consequences.

Sincerely,

Bob Corker (R-TN), Ben Cardin (D-MD), Lindsey Graham (R-SC), Dianne Feinstein (D-CA), Lamar Alexander (R-TN), Mark Warner (D-VA), Mike Rounds (R-SD), Jack Reed (D-RI), Pat Roberts (R-KS), Chris Coons (D-DE), Jeff Flake (R-AZ), Tom Udall (D-NM), Dan Coats (R-IN), Bill Nelson (D-FL).

John Thune (R-SD), Jeanne Shaheen (D-NH), Angus King (I-ME), Tom Carper (D-DE), Tom Cotton (R-AR), Claire McCaskill (D-MO), Dan Sullivan (R-AK), Jeff Merkley (D-OR), Jim Risch (R-ID), Brian Schatz (D-HI), John McCain (R-AZ), Heidi Heitkamp (D-ND), Mazie Hirono (D-HI), Michael Bennet (D-CO).

Mr. CORKER. With that, Mr. President, I yield the floor. I know the distinguished Senator from New York who sponsored this bill wishes to speak.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, how much time is left on each side?

The PRESIDING OFFICER. The Democrats have 14 minutes remaining. The majority has 1 minute remaining.

Mr. SCHUMER. I ask unanimous consent that I be allowed to finish my remarks and the vote occur immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank my colleague from Tennessee. I know he comes at this with the best of intentions and spirit. We disagree, but he is an expert on foreign policy, and we all respect his judgment.

I rise to speak on behalf of my bill, the Justice Against Sponsors of Terrorism Act, or JASTA. Soon we will vote on whether to override the President's veto of this bill. This is a decision I do not take lightly, but as one of the authors of this legislation and a firm believer in its purpose, I believe the Senate should confidently vote to override, and I will lay out the reasons why as clearly as I can.

The bill is near and dear to my heart as a New Yorker because it would allow the victims of 9/11 to pursue some small measure of justice, finally giving them the legal avenue to pursue the foreign sponsors of a terrorist attack that took the lives of their loved ones.

Unfortunately, the courts in New York have dismissed the 9/11 victims' claims against certain foreign entities alleged to have helped the 9/11 attacks. These courts are following what I believe is a fundamentally incorrect reading of the Foreign Sovereign Immunities Act. Do we want it established inflexibly in precedent that foreign countries, directly responsible for financing terrorist acts on U.S. soil, are beyond the reach of justice? I don't think so. I don't think that. In an age where we have state sponsors of terrorism, I don't think that is what the Foreign Sovereign Immunities Act ever intended.

For the sake of these families, it should be made clear—beyond a shadow of a doubt—that every entity, including foreign states, will be held accountable if they are sponsors of heinous acts like 9/11. It is very simple. If the Saudis were culpable, they should be held accountable. If they had nothing to do with 9/11, they have nothing to fear.

I might add, the families are not simply seeking justice for themselves. They want to make sure Saudi Arabia or any other country in the future knows they will pay the consequences if they aid and abet terrorism. In a certain real sense, they are lighting a candle.

When tragedy befalls somebody in a horrible and irrational way, a vicious way—as has befallen these families—the natural instinct the Scriptures tell us is to curse the darkness—why me?—to be angry, to turn inward, to wish the world would go away, but these families, with amazing fortitude, persistence, and courage, are lighting a candle. They are trying to make the world a better place, even though it will never bring their loved ones back, so it will never happen again. I so respect that, among many other things, about them.

Let me address the foreign policy concerns some may have about the bill from which the veto arises. Senator CORNYN and I have discussed in depth many times on the floor how we have narrowed the bill to strike the proper balance between our interests abroad and the right of our citizens to obtain redress when they are victims of terrorism on U.S. soil. In fact, we penned a joint op-ed on that question in USA TODAY.

Mr. President, I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA TODAY, Sept. 27, 2016]

GIVE 9/11 FAMILIES A LEGAL AVENUE:  
OPPOSING VIEW

(By Chuck Schumer and John Cornyn)

The Senate will vote Wednesday on whether to override the president's veto of our bill, the Justice Against Sponsors of Terrorism Act (JASTA). As the authors of this legislation and firm believers in its purpose, we believe the Senate should confidently vote to override the veto. JASTA was written for one main purpose: to clarify under the Foreign Sovereign Immunities Act (FSIA) and the Anti-terrorism Act that every entity, including foreign states, must be held accountable if they are found to be sponsors of heinous acts of terrorism on U.S. soil.

If the veto is overridden, this legislation would provide a legal avenue for the families of the victims of the 9/11 attacks to seek justice in a court of law for the terrorist attacks that took the lives of their loved ones. And it would deter foreign entities from sponsoring terrorism in the future.

The concerns we've heard about the legislation don't hold up to scrutiny. JASTA's opponents claim that the bill will subject U.S. diplomats and other government officials to a raft of potential lawsuits in foreign courts.

Not true; JASTA simply builds on well-established principles under FSIA.

It returns the law to the way it was before a 2008 court case that granted sovereign immunity even in terrorism cases where citizens are murdered on U.S. soil. In the decades before this, there was no flood of lawsuits against U.S. interests.

Consistent with FSIA, as designed by Congress, victims can sue a foreign government if one of its employees causes damage arising from drunken driving, assault or breach of contract. If U.S. victims can sue a foreign government for these reasons, they should be able to sue a foreign government that harms their loved ones by financing a terror attack on our homeland.

There is always an excuse not to do something, but the chief argument used by JASTA's detractors is flimsy. When weighed against the moral imperative to do right by the families of the 9/11 victims—who continue to strongly advocate for this bill—the choice is clear: Senators should vote to override.

Mr. SCHUMER. I wish to read a section of the op-ed that addresses the chief concern of JASTA's opponents:

JASTA's opponents claim that the bill will subject U.S. diplomats and other government officials to a raft of potential lawsuits in foreign courts. Not true; JASTA simply builds on well-established principles under [the Foreign Sovereign Immunities Act].

It returns the law to the way it was before a 2008 court case that granted sovereign immunity even in terrorism cases where citizens are murdered on U.S. soil. In the decades before this, there was no flood of lawsuits against U.S. interests.

Consistent with FSIA, as designed by Congress, victims can sue a foreign government if one of its employees causes damage arising from drunken driving, assault or breach of contract. If U.S. victims can sue a foreign government for these reasons, they should be able to sue a foreign government that harms their loved ones by financing a terror attack on our homeland.

Senator CORNYN and I have worked very hard over the course of 6 years and several iterations of the bill to strike the right balance. It has been a long work in progress, and I believe the measure of our success is reflected by the unanimous support the bill received in both Houses of Congress. In this body, not a single person objected when it was brought to the floor to be voted on.

Democrats and Republicans don't agree on much these days, but we agree on JASTA. Both parties agree the families of the 9/11 victims deserve justice. That, more than anything else, should weigh most heavily on our minds today.

It has been 15 years since that awful day—a day that changed every New Yorker, every American. We will never forget the shock, the fear, the holes in our hearts, the friends and neighbors and loved ones we lost, the first responders and union workers and firefighters and policemen who bravely rushed to the towers searching for signs of life in that smoldering rubble. I was there the day after. The smell of death was in the air. As a nation, we came together. We rebuilt. As New Yorkers, we did the same thing, but we will never ever forget. In this debate,



we cannot forget what this legislation means to the families of victims.

It has been 15 years since Ms. Terry Estrada lost her husband Tom, who worked in the North Tower. Terry didn't just lose a husband, she lost a father to a young son 7, daughter of 4, and a newborn baby boy. She lost a loving father and her best friend. Terry and her children have championed this bill for over a decade. I thank them and all the other families—especially Monica Gabrielle, Mindy Kleinberg, Lorie Van Auker, Kristin Breitweiser, Patty Casazza—for their tireless advocacy and patience. Of course, no compensation could ever repair the broken hearts of a family who lost a loved one to such mindless hate, but as Jane Bartels, a mother from Staten Island who lost her husband Carlton on that sunny morning 15 years ago put it recently, “We just want our day in court.” “We just want our day in court.”

The victims of 9/11 and other terrorist acts have suffered such pain and heartache, but they should not be denied their day in court. They should not be denied their pursuit of justice.

There is always an excuse not to do something, but as Senator CORNYN and I have explained, the chief argument used by JASTA's detractors is not strong. In fact, it is flimsy. When weighed against the moral imperative, we have to do right by the families of the 9/11 victims. The choice is clear. I urge my colleagues to override.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The question is, Shall the bill (S. 2040) pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required under the Constitution.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 1, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—97

Alexander	Casey	Feinstein
Ayotte	Cassidy	Fischer
Baldwin	Coats	Flake
Barrasso	Cochran	Franken
Bennet	Collins	Gardner
Blumenthal	Cooms	Gillibrand
Blunt	Corker	Graham
Booker	Cornyn	Grassley
Boozman	Cotton	Hatch
Boxer	Crapo	Heinrich
Brown	Cruz	Heitkamp
Burr	Daines	Heller
Cantwell	Donnelly	Hirono
Capito	Durbin	Hoey
Cardin	Enzi	Inhofe
Carper	Ernst	Isakson

Johnson  
King  
Kirk  
Klobuchar  
Lankford  
Leahy  
Lee  
Manchin  
Markey  
McCain  
McCaskill  
McConnell  
Menendez  
Merkley  
Mikulski  
Moran  
Murkowski

Murphy  
Murray  
Nelson  
Paul  
Perdue  
Peters  
Portman  
Reed  
Risch  
Roberts  
Rounds  
Rubio  
Sasse  
Schatz  
Schumer  
Scott  
Sessions

Shaheen  
Shelby  
Stabenow  
Sullivan  
Tester  
Thune  
Tillis  
Toomey  
Udall  
Vitter  
Warner  
Warren  
Whitehouse  
Wicker  
Wyden

NAYS—1

Reid

NOT VOTING—2

Kaine

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 1.

Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

The PRESIDING OFFICER. The majority leader.

#### FUNDING FOR FLINT, MICHIGAN

Mr. MCCONNELL. Mr. President, earlier this month, the Senate voted to help families affected by lead poisoning in Flint as part of the Water Resources Development Act, or WRDA. We are glad to see that progress is being made in the House as well to pass a WRDA bill that also includes help for Flint families. I have worked closely with Speaker RYAN and Leader PELOSI to encourage that progress, and I made it clear to them that I was extremely serious, and I just mentioned that again to Senator STABENOW—very serious about defending the Senate position in conference and ensuring that Flint funding remains in the final bill.

We have a path forward to getting our work done, and if we keep working together, we will.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the Republican leader and I have had a number of conversations. I yield to the senior Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank the majority leader for his comments and for the conversations we have had—publicly and privately—and our Senate Democratic leader, as well, for being such a stalwart, as well as all of our colleagues.

We in the Senate have done the right thing and moved forward on a WRDA bill that has an important package for Flint and other communities that have lead-in-water issues.

At the beginning of this week, there was a House bill that did not include anything for Flint or anything around that contamination. We now have a

commitment. There is going to be something in the House WRDA bill and a commitment that the final bill will include the work that we did in the Senate.

So I wish to thank again Senator INHOFE, Senator BOXER, and all of our colleagues. This is a very positive step forward.

I will just remind people that folks in Flint are literally bathing with bottled water every single day, and the sense of urgency only grows. So I am anxious to work with our leadership to get this done.

Thank you.

Mr. MCCONNELL. Mr. President, we expect to start voting on the CR around 2 o'clock, and with a little cooperation, we should be able to get that over to the House this afternoon.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I wish to yield 1 minute to our ranking member on the Environment and Public Works Committee, Senator BOXER. I wish to yield to her for 1 minute.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my leader very much. Yesterday, Senator INHOFE and I were on the floor and I stated that if I felt there was an ironclad commitment to take care of the Flint, MI, problem and the lead in water across this Nation, I would support the CR. I interpret the strong language from my leader, HARRY REID, and the Republican majority leader, Senator MCCONNELL, as an ironclad commitment. They spoke to the powers that be in the House.

I know that Senator INHOFE and I are bound and determined to fix this, and believe me, I want to send a message to the people of Flint and to their Senators, who have worked their hearts out: This will happen. If it doesn't happen, I have some ideas of how I am going to protest it, but it will happen. I take it as an ironclad commitment.

I yield the floor back to my colleague, Senator REID.

The PRESIDING OFFICER. The Senator from Wisconsin.

#### UNANIMOUS CONSENT REQUEST—S. 2912

Mr. JOHNSON. Mr. President, I rise today to ask my colleagues to honor the life of Trickett Wendler, pictured here, who was a young mother of three who fought and lost her battle with ALS disease, and the lives of so many others who want the right to try to save their lives by passing the Trickett Wendler Right to Try Act of 2016.

Now, like so many of my colleagues, we are often visited by our constituents, people who are battling their own diseases, whether it is ALS or Duchenne muscular dystrophy, or different forms of cancer.

This is a very simple bill. What it is trying to do is very simple. It is trying to restore freedom. It is trying to give patients and their families hope—the freedom and hope that is being denied them right now by our Federal bureaucracy.

This is a bill about people. Coming from my own standpoint, I think all of us recognize ALS as—initially, in its original name—Lou Gehrig's disease. I certainly understood a little bit more about ALS when I heard about Tom Watson's caddy. Then in Oshkosh, WI, a family member of our Lourdes High School family was stricken with ALS—Doug Potarske. He courageously battled the disease and lost his fight as well.

I met Trickett Wendler on May 23, 2014, when she came to Washington, DC, with a group of other advocates for ALS cures. Simply talking about my meeting with the Goldwater Institute and the bill they were promoting through the States—the Right to Try—and indicating to her my support for it, tears began streaming down her cheeks. She wanted that hope.

But along this path, as I have advocated for the Right to Try bill, I have met other individuals—people like Matt Bellina, a former Navy pilot who testified before our committee just yesterday. He is a father of two, with his wife expecting their third child. He is also fighting ALS. He wants hope.

During our press conference, when I introduced this piece of legislation, a man from Pennsylvania, Frank Mongiello, asked to say a few words. Already pretty far advanced in his ALS, it was difficult to understand Frank, but he quoted Abraham Lincoln. Abraham Lincoln said: "If you get shot, you die once. If you dream, you die over and over again." He made the point that not having access to some of these treatments for ALS is like dying over and over again. He wants some hope to be able to stay alive for his wife and six children.

This bill isn't only about ALS, though. It is about other incurable diseases. It is about other terminal patients who have no further treatment options—little boys like Jordan McLinn, who also testified before our committee with his mother, Laura, a volunteer firefighter, and who is suffering from Duchenne muscular dystrophy, a disease that is also terminal.

This disease in particular indicates the problem we have with the FDA. There were more than 50 patients and advocates for an effective treatment, something that is being proven to be effective to extend the muscle function of these little boys. The FDA had an advisory committee meeting and listened to the testimony of over 50 Americans begging the FDA to allow and approve that treatment. The FDA advisory committee voted 7 to 3 and said no, we are not going to give you that right; we are not going to give you that hope.

Now, fortunately, I was overjoyed a couple of Mondays ago when the FDA overruled that advisory committee and actually approved those drugs and provided some hope.

If we want to understand how broken the process is, let me give a couple of metrics. In the decade of the 1990s, it

took about 10 years from discovery to approval of a new drug. Today that time period stands at about 14 years. In today's dollars, in 2004, it cost about \$1 billion for a successful drug to go through that approval process. Today, it costs about \$2.6 billion to have a drug approved. That indicates there is something wrong with the system. The Right to Try bill addresses what is wrong. It is not a panacea, but it is a good first step.

The last person I wish to speak about is someone I consider a hero, someone I consider as a whistleblower, a courageous oncologist from Houston, TX, whose name is Dr. Ebrahim Delpassand. Dr. Delpassand was part of a clinical trial treating neuroendocrine cancer with a therapeutic agent called LU-177 octreotate. He was, in his opinion, successfully treating these cancer patients. He was extending their lives, but he butted up against a limit in terms of a clinical trial of 150 patients. So he requested from the FDA to expand that to include another 78 of his patients who were terminal, who were dying from this aggressive form of cancer. The FDA said no.

Now, fortunately, for that doctor and those 78 patients, Texas had passed a Right to Try bill. The problem is the FDA has not weighed in. We don't know whether the FDA will challenge these Right to Try bills. I could not get an answer from the FDA bureaucrats as to whether or not they are going to challenge it. So Dr. Delpassand took it upon himself and, on behalf of his patients, courageously began treating those additional 78 patients. They are alive today because of his courage, with no help from the FDA.

Thirty-two States now have enacted their own individual Right to Try legislation. In those States, 4,186 legislators—both Democrat and Republican—have voted on those bills. Only 108 have voted no, and 4,078 legislators—97.4 percent of legislators in 32 States—have voted yes to Right to Try. There is nothing partisan about this. This is a completely bipartisan effort—again, trying to restore freedom, trying to restore hope.

The latest State was California. Governor Brown just signed that bill into law. We had in front of our committee last week State assembly majority leader Ian Calderon—a Democrat, I might add—who is a sponsor of that Right to Try bill.

So all I am asking—we have 42 cosponsors of this bill in the Senate. I have asked my other colleagues to join us as cosponsors. I realize that some of them don't want to go that far. All I am asking is that no Senator stand up and object to providing a little bit of freedom, a little bit of hope to patients who simply have no other avenue.

Now, to be respectful of people's time, let me move to my request. I see Senator BARRASSO is here, and if he would also like to speak to this bill, I would like to give him that opportunity.

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2912 and the Senate proceed to its immediate consideration; and I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I reserve my right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I understand the seriousness of my friend's proposal. I understand the urgency that patients and their families feel who are desperate for new treatments. I could go through a litany of people who have been in predicaments like this, like this young lady here where we see her picture.

I remember Wendy Rockenfeller. I went to see her in Boulder City. She was all dressed up, knowing that I was coming, in bed. She, at a very young age, was stricken with Lou Gehrig's disease. She died 5 days after I saw her. She loved politics. She was involved in my campaigns. But this dread disease took her.

Her husband was desperate. He took her to Mexico for some treatment that didn't work, of course. But as my friend from Wisconsin said, he was looking for hope. Her husband Uwe Rockenfeller.

Bob Forbuss was a young school teacher in Las Vegas, but he had a great knack for business. Without going through a lot of detail, he worked part time with an ambulance company. He wound up owning that big, big ambulance company. He was very successful, made a lot of money, but he was stricken with Lou Gehrig's disease, and he died—not as fast as Wendy, but he died. I went to see him the day before I saw Wendy.

So I understand the urgency of the patients, but also we have a situation here. There are ways to improve the access process so it works better and faster for patients. My friend talks about 40 or 42 cosponsors. Basically, virtually every one of the Republicans are cosponsors but not Democrats. Why? Because, there are major players in this bill that simply haven't had an opportunity to tell us what is wrong with the bill. They have told me personally.

I believe we should do what we need to do in order to have a good, responsible piece of legislation. I also want everyone to understand it is really difficult to comprehend when we have had 7 weeks—we just finished a break here and we are going to take 10 more weeks. Why didn't we take the time to have a hearing on this?

I think we should have had a hearing on Merrick Garland. Why haven't we had a hearing on Merrick Garland? The reason my Republican friends have not

had a hearing on Merrick Garland is that they know that if they had a hearing on Merrick Garland, people would see who he is, and having seen or listened to this man, they would be hard-pressed to vote against him. That is why they are not doing a hearing.

So, for all these reasons, that we haven't had a vote on Merrick Garland, we had absolutely no workout on this process. As desperate as the situation is, and I understand it, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, this is beyond disappointing that the minority leader would refer to this as potentially a partisan bill. Let me reiterate. In 32 States, where 4,186 State legislators have voted on this, 4,078 have voted yes, Republicans and Democrats alike—97.4 percent. This is a bipartisan effort. It provides freedom, it provides hope, and it is beyond disappointing that the minority leader would object.

I would ask my colleague Mr. BARRASSO, the Senator from Wyoming, who has been a real leader on the issue, for example, with Duchenne muscular dystrophy, what has he heard from patients and his constituents in terms of the hope that this bill will provide them?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, people ask for hope. They want hope and need hope. As a young doctor in my training, I worked at a children's hospital in the muscle disease clinic, and what I saw were families because muscular dystrophy, specifically Duchenne's, runs in families.

Families come into the clinic, and you knew the day you were seeing that young person it was going to be the best day that person ever had because this is a progressive disease and they are looking for hope and they look to you as a physician for hope and they look to the researchers for hope.

That is what this Right to Try legislation does. It provides hope. I believe it goes further than that. It is not just hope, it is also help because the research we have seen with this drug for muscular dystrophy, for Duchenne muscular dystrophy—and when you talk to the parents and talk with the patients, and I have met with the parents and met with the patients, what they are seeing is that day in the clinic is not their best day with declining after that, they have actually seen a reversal, which is miraculous. I am talking about working in a muscle disease clinic when I was in my twenties. We are talking a long time ago in my professional career working with people with muscle disease. This is the first thing I have actually seen that has actually reversed that declining trend that we see in young people with Duchenne muscular dystrophy, where they go from being able to walk to then walking more slowly, to then graduating to a wheelchair. So all we

are asking for is hope, when we know there is hope that is available and it may provide help.

The State of Wyoming passed the Right to Try law. The attorney general for the State of Wyoming is with us today. He knows about this. He knows it is bipartisan. There was nothing partisan about this, I would say to my colleague from Wisconsin. There was overwhelming bipartisan support by the legislature. It was signed by our Governor. Yet we see the minority leader come to the floor and object to a vote, which is something that would pass incredibly. He did it because his reasoning was something about a nominee of the President to be on the Supreme Court.

We are talking about people who are dying today, such as the woman whom this legislation is named after with amyotrophic lateral sclerosis—Lou Gehrig's disease. People did the ice bucket challenge. We saw Bill Gates have somebody pour a bucket of cold ice water over his head in an effort to try to help someone with amyotrophic lateral sclerosis. The minority leader came and named a couple of people who lost their lives. We all know people who lost their lives. The Senator from Alaska had a relative who lost his life to amyotrophic lateral sclerosis. Every time I go to mail a letter at the Post Office in Casper, WY, and drive down Randy Maxwell Boulevard, it is named after a postal worker who lost his life to amyotrophic lateral sclerosis. He would have loved the right to try.

So I come to the floor in support of my colleagues, in support of this legislation, and I am so sorry and sad to see the minority leader, the Senator from Nevada, stand and object to an opportunity to give the Senate the right to try, to give patients the right to try, at a time when we know there is actually potential cures available and there are people who are looking for the hope and looking for the help those potential cures provide.

I would say to my friend and colleague from Wisconsin, thank you for your leadership. Thank you for bringing to the floor the beautiful face of the patient from your home State who lost her life in the fight, who didn't have a chance to try.

Thank you for your leadership on the Duchenne muscular dystrophy front and for all people who are suffering around this country who need hope, who need help, and we know there is actually help available. Thank you for your caring and your work on this, and I continue to stand with you and your efforts, as do many Members of the U.S. Senate and many, many Americans. I thank you for your continued leadership and your determination. I thank the Senator from Wisconsin for his incredible efforts, and I say this with profound disappointment in the minority leader to see that he would come to the floor and object to people having a right to try to save their lives.

Thank you, Mr. President.

Mr. JOHNSON. Mr. President, I thank the Senator from Wyoming for his leadership on this issue. I want to also point out how bad I feel and how sad it truly is because some of those individuals I spoke of—some of those patients and families—were watching on C-SPAN today. They had their hopes up that the minority leader would not play politics with this issue, would not play politics with their lives. In the last 15 minutes, those hopes have also been dashed. I care about that.

I note for the RECORD that in my committee we have held two hearings on this Right to Try bill so the minority leader is simply incorrect when he says we have not held hearings. We have fully vetted this piece of legislation.

I once again point out how bipartisan this has been in the States—97.4 percent of State legislators who voted on this have voted in support of it.

I have another colleague, the Senator from Indiana, who has joined me in a number of instances in writing to the FDA to try and break the logjam on some of these treatments, making them available to people, giving them hope.

I would ask the Senator from Indiana what stories he has to tell about his constituents who are asking for that freedom, that right to try, that right to hope?

Mr. COATS. I thank the Senator from Wisconsin, a great friend and someone whose passion has been brought to the U.S. Senate.

Based on issues where people are hurting, I just can't thank him enough for bringing to this body the kind of energy and the kind of passion that is directly related to the pain people are suffering with in his State—whether it is loss of a job, the death of a child or something related to education or whether it is something related to just every day, Senator RON JOHNSON has been on top of it.

This is a perfect example of the kind of passion he brings. He refuses to say: I can't go any further. He refuses to take and accept the minority leader's objection to this—along with my colleague from Wyoming and others—to this bipartisan supported measure. How can the minority leader come down and give an example of why every parent deserves the right to try, to try to save their children, to take advantage of medicines and procedures that might be that miracle cure, and then say: No, we are not going to take it up. We are not going to give that to you because we know you are in a tight race. Essentially, that is what he is saying. We know you are in a tight race so we are not going to do anything.

Put yourself in the shoes of a parent who is trying to save the precious life of a child. How can you put an election in a State that is up for grabs—how can that trump the kind of sorrow and clinging to the last hope parents are making?

I commend the Senator. I have had the great privilege of serving together with him since 2010, and we have become friends. His passion, whether it is the national debt or whether it is any number of issues, but particularly on this, that goes right to the heart and soul of every parent in this country who is doing everything they possibly can to save their child, and to be denied that opportunity because of a political situation just astounds me.

I commend Senator JOHNSON. I know he will not give up. I know he will fight this to the end. We stand with him. There is nothing partisan about this issue, and there is no reason we can't come down as a body and endorse and pass by unanimous consent what Senator JOHNSON is asking. There is no reason whatsoever. I am with him to the end. We are all with you to the end. I think we ought to just keep asking because I don't believe a Senator here can understand why politics should trump something like what you are trying to do.

Mr. JOHNSON. I certainly thank the Senator from Indiana for his support on this issue. I will conclude by saying, this is a sad day for the U.S. Senate; that the minority leader would turn his back on terminal patients and their families, deny them that freedom, that right to try, that right to hope, to score a political point—it is a sad day for the U.S. Senate.

I yield the floor.

Mr. LEAHY. Mr. President, people talk about partisan gridlock and the do-nothing Congress. There is plenty of justification for it. Judge Merrick Garland, nominated to the Supreme Court on March 16, has been waiting for a hearing, not to mention a vote, for more than 6 months. None of the appropriation bills to fund the government in 2017 will be enacted before the end of this fiscal year, just 2 days from now, even though every one of them has been reported by the Appropriations Committee. We are once again voting on a stopgap continuing resolution to keep the government running until December 9.

As part of the continuing resolution, I proposed including a provision that would give American businesses a level playing field against their foreign competitors.

Right now, the Export-Import Bank cannot approve financing totaling more than \$10 million, because the Republicans have refused to vote on the President's nominee for the third member of the Ex-Im Bank's board of directors. Under current law, that means the Bank lacks a quorum, and it is severely limited in what it can do.

My provision would have permitted the current board members to approve financing over \$10 million, for the period of the continuing resolution.

This was not a farfetched idea. In fact, both House and Senate fiscal year 2017 appropriations bills that are waiting for a vote include a similar provision. By including it in the continuing

resolution, we would simply be doing what majorities in both appropriations committees have already agreed to.

According to the Ex-Im Bank, it currently has a pipeline of more than 30 transactions, each of which exceeds \$10 million, valued at over \$20 billion in total that are stalled because of the quorum requirement.

In other words, the Republican leadership is blocking financing to U.S. companies that are ready to compete for contracts to sell their products and services overseas. They may not get the chance.

One would think, since Republicans regularly insist that they are the party that cares more about American business, this would not be difficult. They talk about wanting to help U.S. companies so they will not move offshore. They talk about standing up for American workers. They talk about a lot of things.

But did they include it? No. There wasn't even a debate. They just said no dice because a tiny minority of their members opposes it.

That is what has happened to the Congress. Because the Republican leadership either supports or is unwilling to challenge obstructionists on their fringe, nothing happens. There are countless examples of it.

I hope the American people are paying attention. I hope businesses around the country that pay taxes and need support from the Ex-Im Bank are paying attention. Elections do matter, and this is just one of many reasons.

Ms. STABENOW. Mr. President, I rise today to talk about the continuing resolution that the Senate will soon be voting on, which regretfully, I am unable to support.

For the past year, I along with my colleague from Michigan, Senator PETERS, worked to craft a bipartisan agreement with funding to help fix the city of Flint's water system that exposed 100,000 people to lead laced drinking water. And thanks to the leadership of Environment and Public Works Committee Chairman INHOFE and Ranking Member BOXER, the Senate a few weeks ago voted 95-3 to approve the Water Resources Development Act with this desperately needed funding.

Unfortunately, the CR before us today addresses disaster funding for flooding in Louisiana and other communities, but asks the families of Flint to wait at the back of the line again. I cannot support a CR that includes funding for other communities but not Flint, whose residents have waited too long for much-needed aid.

However, because of the stalwart support of my colleagues—particularly vice chairwoman of the Senate Appropriations Committee BARBARA MIKULSKI, Environment and Public Works Committee Ranking Member BARBARA BOXER, and Democratic leaders HARRY REID and NANCY PELOSI—Republicans in the House of Representatives have agreed to a path forward for enacting legislation this year that contains assistance for the people of Flint.

I would also thank Majority Leader MCCONNELL for his commitment to ensuring that Congress does not adjourn this year without enacting WRDA legislation that contains the Senate approved funding for fixing Flint's water pipes and addressing drinking water problems that communities across the country face.

While the absence of assistance for Flint prevents me from supporting the continuing resolution, I am very pleased that it contains \$1.1 billion to combat the spread of the Zika virus.

More than 2,000 pregnant women in the Nation and our territories have evidence of being infected by Zika, more than 20 babies have been born with Zika-related birth defects such as microcephaly, and at least six pregnancies ended because of the virus. In Puerto Rico, the Surgeon General said that 25 percent of residents will be infected by Zika virus by the end of this year. In southern Florida, health officials are combating the mosquitoes spreading the virus there in the hopes of slowing the virus's path. With funding to combat Zika now secured, the hard work begins to end the threat Zika presents to our families.

I am also grateful that the short-term spending agreement contains the Military Construction and Veterans Affairs Appropriations bill, which provides funding to ensure that our military facilities are mission ready and that Michigan's 698,000 veterans can access the care and benefits they have earned.

The fiscal year 2017 Military Construction and Veterans bill includes \$11.3 billion more in mandatory funding and \$2.6 billion more in discretionary funding than last year's budget. Although discretionary funding for the Department of Veterans Affairs is below the amount that was included in the bill approved by the Senate earlier this year, the total amount in the CR still exceeds last year's enacted level by \$2.9 billion. I strongly support this funding that provides for essential medical care, disability compensations, mental health services, long-term care, veteran specific medical research, and claims processing improvements.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE NATIONAL DEBT

Mr. FLAKE. Mr. President, a few weeks ago, I was asked to act as emcee for the Arizona Distinguished Young Women's Scholarship Program. During the self-expression portion of the evening, meant to showcase how quickly these women could think on their feet, the participants were asked the following question: If you could live a day without rules and consequences and do something truly outrageous, what would it be?

Remember, these are high school seniors. As I stood on stage and called on

each of the young women to answer the question, Alexis, from Tempe, confidently took the microphone and said:

I would fly to Washington, DC, go to the United States Senate floor, and ask each Senator this question: "What do you plan to do about the national debt?"

The audience roared its approval, and I was put on the spot. This is a topic that has received scant attention in this political season, this election season, but it was put front and center at a scholarship program.

We shouldn't be surprised by this. For every day that we adults continue our obsession over emails and birth certificates, these high school seniors recognize that we are spending \$1.4 billion more than we are taking in. This will result in nearly a \$500 billion deficit this year, which will be added to our burgeoning \$19 trillion debt. They know this and understand this because this is the debt they will be left with long after our political careers are over.

I have long believed that of the myriad problems we face in this country—from terrorism to nuclear proliferation, to infectious diseases, to climate change, to aging infrastructure, to unaffordable health care—our looming debt and persistent deficit are our most urgent challenge. If we don't put our fiscal house in order and put ourselves on a sustainable fiscal path forward, we will not be able to address any of the problems and the challenges I just listed.

If we continue in our current state of denial, one day in the not so distant future, we will wake up and discover that the financial markets have already decided we are no longer a good bet. When this happens, the low interest rates that have made our debt manageable over the past couple of years will begin an upward march. For every quarter point that interest rates go up, an additional \$50 billion will be required annually just to service the debt for every quarter point the interest rates go up.

The Congressional Budget Office estimates that if we don't address our fiscal imbalance and interest rates return to where they traditionally have been, within a decade nearly all of our discretionary budget will be swallowed up with just one item—paying interest on the debt.

Think about that for a minute. How do we fight a war on terrorism without spending any money on national defense? That is part of our discretionary budget. How do we replace aging infrastructure when there is no money left after we have paid our monthly installment on our credit cards? Infectious disease-carrying mosquitoes will not stop at our borders out of concern for our fiscal predicament.

Once national interest rates begin their inevitable rise, the control over our fiscal situation will pass from this body, from Congress, and from the executive branch to our creditors. We will then enter an austerity cycle that

will negatively impact the global economy, and it will worsen our own fiscal outlook.

How do we avoid this gloomy picture? If we want to put ourselves on a sustainable fiscal path, we can't just nibble around the edges. Discretionary spending has been largely held in check over the past several years, but the retirement of the baby boomer generation has led to huge increases in our so-called entitlement programs.

Discretionary spending represents an ever-shrinking percentage of our total spending. Putting ourselves on a sustainable fiscal path has to involve a grand bargain of sorts, such as the one contemplated by the National Commission on Fiscal Responsibility and Reform, more commonly known as Simpson-Bowles. Of course, this outline will need to be updated to take into account the nearly \$7 trillion of debt that has accumulated just in the past 6 years, but it is a good place to start.

It is tempting for both Republicans and Democrats to say: Well, we will deal with this debt problem if voters give us control of both Chambers and the White House. Believe me when I tell you that this will not happen. No one party, Republican or Democrat, will take the political risk that is inherent in dealing with our debt problem—not my party, not the party on the other side of the aisle. Midterm elections are never more than 2 years away.

No, it will take buy-in from both parties. Both parties have to be willing to hold hands and jump together.

With divided government over the past 6 years, we have had the conditions necessary for a long-term budget agreement, but we have lacked the political courage to get it done. We cannot afford to squander that opportunity any longer.

If the results of the November elections produce divided government once again in January, here is hoping that while we may publicly grumble, we will privately see it as an opportunity to redeem ourselves as stewards of this institution and put the country back on a sustainable fiscal path.

#### NATIONAL HISPANIC HERITAGE MONTH

Mr. President, I rise to recognize National Hispanic Heritage Month, which is celebrated from September 15 to October 15. Originally signed into law in 1968 to be just 1 week, it was expanded by President Ronald Reagan as a month-long recognition in 1988.

This month recognizes the social, economic, and cultural contributions of the more than 57 million Latinos living in the United States. In my home State of Arizona, the Latino population has nearly tripled in the past 25 years, and now it stands at just over 2 million people. This is nearly one-third of the State's population, and Hispanic children already make up more than half of the K-8 public school students in Arizona.

From an economic view, Hispanic-owned small businesses are growing at

a rate of two or three times the national averages and now roughly total 125,000 statewide. Businesses owned by Hispanic women are growing even faster.

In Arizona, Hispanic Heritage Month is celebrated through historic lectures, movie screenings, culinary and arts festivals, gallery exhibitions, and musical celebrations. These are but a few items to highlight when noting the contributions of those of Hispanic heritage.

I am pleased to have a moment on the Senate floor to talk about National Hispanic Heritage Month.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Indiana.

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, as we are temporarily winding down here, I am told we will be back in November, passing a short-term continuing resolution or funding for the government until we do return. Then, after the election, we will deal with the longer term. I wish to take advantage of this remaining time to once again, for the 52nd time in this last 2 years, come to the Senate floor to talk about the waste, fraud, and abuse that exists within the Federal Government and what its impact is on taxpayers' hard-earned tax dollars.

I have talked about everything from the very serious ways in which Medicaid, Medicare, and Social Security have been violated and spent, wasting billions of dollars through checks going to people who are dead, people who don't qualify, and on and on. We have talked about some ridiculous examples of expenditure of Federal dollars.

Today, I was thinking: Well, this is kind of a small amount. We are only talking about \$1 million here, and we have been talking about billions.

All of a sudden it hit me that \$1 million is not a small thing. I think we have lost perspective here in terms of these numbers. What do they mean to us?

People say: Do you want to be a millionaire? Well, that would be unbelievable if I could be a millionaire. I mean, of course I would want to be a millionaire. If you are a millionaire, you are living in high cotton.

But we dismiss \$1 million as change, just a few pennies here and there when it is compared to billions of dollars, hundreds of billions of dollars, and even trillions of dollars.

In just the last 8 years under the Obama administration, we have taken our national debt—that is money we borrow to pay for things we have expensed. We don't have the revenue to cover it, so we have to borrow that money. As my colleague from Arizona was just discussing, interest has to be paid.

When we arrived at the beginning of this administration, it was about \$10 trillion, and it has literally doubled—almost doubled. In just 8 years of time,

230-some years since the beginning of this country, we have doubled the debt from \$10 trillion to nearly \$20 trillion.

It is hard to grasp what a million is, let alone a billion, let alone a trillion. So, yes, this is just “a million dollars,” but every penny that is wasted is taken from taxpayers or is money not applied to essential functions of the Federal government, such as our national defense, health care, or whatever. This is one of these ridiculous wastes of a million dollars.

The Department of Education has paid money for the creation of a video game called ECO. The Department of Education is trying to have classrooms use this game for students, literally for ideological purposes. Obviously, what they were basing ECO on is what happens in Washington, DC. They were creating a virtual government through a video game. The students could vote by a majority vote as to whether to add something to this government in terms of what their policies were or take it away, but the game rules also ruled that the group's operator could act as a king, issuing all rules by himself or herself. If the king didn't like what the students did by majority vote, the king would simply say: Fine, that means nothing. I am going to implement it anyway.

It sounds an awful lot like what we have been through under this administration. The vote of the peoples' representatives in the House of Representatives and the Senate essentially has been bypassed in many instances by the President of the United States.

Once again, through an ideological decision made by members of the administration, we now are teaching students that this is really how it works. If you want to make a difference, we need to give that king all kinds of authority.

I define this as a waste. I define this as a waste of taxpayers' money.

The function of government is not to brainwash students, through video games, into a form of government that violates our Constitution, violates all precedents in terms of how we operate around here. Yet time and again I have stood on this floor, Members have stood on this floor, and simply said: This is the function of the people's representatives. This is a function of how they vote, yea or nay. This is a function of how it works through the process of defining a law, ultimately landing on the President's desk. Yet we have a President who simply says: The heck with all that stuff. I am just going to implement whatever I want to do, and, by the way, let's spend taxpayer dollars to teach children that this is how government should work. I think it is not just a shame, I think it is ridiculous. It is way over the top.

We are adding not a huge amount to the number, but through these 52 weeks we have accumulated \$328 billion of waste, fraud, and abuse. It just keeps on going. I could come to the floor every day. I could come here every

hour of every day to try to describe the volume of certified waste, fraud, and abuse we have collected in our office. As long I have the opportunity to be able to do that, I am going to keep doing it, pointing out how government is mishandling the money that the taxpayers are sending to Washington.

#### THE ECONOMY

Mr. President, in the time remaining that I have, let me simply say that while the White House spin that the economic recovery from the Great Recession is a huge success, to use their words, poll after poll—from The Economist to YouGov, to Reuters, to Ipsos, to Rasmussen—shows that nearly two-thirds of Americans think our economy is on the wrong track.

The White House spin is one thing, but the facts clearly define the Obama administration's record of low economic growth numbers. So we hear the rhetoric coming out of the President's spokesman and the President himself and some Members of the Senate that things are working very well. Well, let's look at the facts. The truth lies in the facts, not on what somebody wants to tell you the truth is.

Fact: Under the Obama administration, real growth continues to average only half the growth of an average recession recovery over the last half century. We have had many recessions, but the surge of economic activity post those recessions has been twice as much as what has happened over this recession, which took place in late 2008 and early 2009. It has been nearly 8 years, and we have had half of the average growth of all other recessions over the past half century.

Fact: Productivity growth has slumped under President Obama.

Fact: Business dynamism has slowed down significantly.

Fact: Today, a smaller number of Americans are working than before the recovery began.

Fact: For those Americans who have been able to get jobs, a larger number are working part time.

While President Obama is touting recent gains in household income, the facts show that the median American household is still bringing home less money than it was before the recession began almost 9 years ago.

Based on these facts, it is clear that the economic policies employed by the Obama administration have not worked.

It is one thing to come down here and listen to the President or Members say: Look, these policies have worked, and it is a great success; it is another thing to look at the reality of what has happened and say: No, it is not a success.

Too many Americans feel there is no end to this current cycling of mediocrity. It has almost become the new normal that we are going to grow at 1, 1.5, or 2 percent a year instead of normal post-recession growth of 3.5 or 4 percent or even more.

There is a reason why these policies, in my opinion, have not worked. I

think it is also a major reason why the American people simply say: Look, you had your shot. You said you knew how to run government. You said you knew how to grow the economy. You put these policies in place. Well, it hasn't worked.

When something doesn't work, you don't just keep perpetuating it—which is what I think the election is all about, frankly—you turn to other policies that worked successfully before.

I want to name three things that I think should substantially improve the growth of the economy in the United States.

Clearly, taxes are too complex, regulations are tying the hands of job creators, and the ever-growing Federal debt is crowding out private sector investment. All these are facts.

So it is time to change this truth, take a long-term look at why the Obama administration policies have failed, and employ new policies. Let me outline three new policies.

First, our broken Tax Code is punishing job creators.

We have the highest combined corporate tax rate in the developed world—all of our competitors have a much lower corporate tax rate than we do—and that puts us at a disadvantage. Of course that is why we have an imbalance in our trade accounts. Small business owners face mind-numbing complexity in rates as high as 44.3 percent due to Obama tax increases.

Reducing business tax rates, both large and small, and simplifying the 74,000 pages in the Internal Revenue Code—the Tax law—will help American companies retain their competitive edge in the face of globalization so that we can expand and create new jobs. We have been talking about this for years. It hasn't happened. Tax reform is absolutely necessary to get our economy growing again.

Secondly, policymakers in the administration need to streamline and reduce burdensome regulations that are holding our economy down.

The Obama administration continues to issue regulations at a record-setting pace. This flood of redtape wastes time and resources, stifles jobs and new business startups, and dampens economic growth. The businesses I visit in Indiana have story after story saying: We are swamped with regulations. Instead of producing or selling our product, we are filling out paperwork and sending it to Washington, going through months and months of waiting for approval of this, that, or whatever.

Regulatory reform is absolutely essential if we are going to get our economy to grow.

Third and last of the three major issues: Growing Federal debt is crowding out the private sector.

Over the years, as I have said, President Obama has nearly doubled our national debt, racking up more debt in the 8 years of this administration than in all previous years of every President who preceded this 44th President.



Think about that. The amount of debt we have incurred under this President exceeds all of the other debt since the beginning of this country under 43 previous Presidents.

When we put these three together, I believe that is the direction in which we need to go. Hopefully, as we are closing out this administration, that is the direction we will be able to take to get our people back to work, get our economy growing again, and make America great again.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRESCRIPTION DRUG OVERDOSES

Mr. MANCHIN. Mr. President, we have come to a crisis point in our country, and I speak about this on a weekly basis. It is drug overdose, legal prescription drug overdose. When I talk about legal prescription drug overdose, these are well-noted, good pharmaceutical companies that make a lot of products that save people's lives and help them immensely. It is done with the approval of the Food and Drug Administration, and then it is administered and basically recommended by the most trusted person next to your most trusted family members—your doctor. Then we look around and we have a product on the market that basically is killing Americans every day.

In West Virginia, drug overdose deaths have soared by more than 700 percent since 1999. We lost 600 West Virginians to opiates last year alone—more than any other form that has terminated people's lives in that State. Of the 628 drug overdose deaths in the State in 2014, most were linked to prescription drugs; 199 were OxyContin related, while 133 were attributed to hydrocodone. West Virginia had the highest rate of prescription drug overdose deaths by any State last year—31 per every 100,000 citizens. The next closest State was New Mexico, with 25 deaths per 100,000.

In West Virginia, providers wrote 138 painkiller prescriptions for every 100 people. I want to repeat that. The providers, our doctors, wrote 138 painkiller prescriptions for every 100 people. That doesn't even sound feasible. It doesn't even sound right. It is the highest rate in the country.

Between 2007 and 2012, drug wholesalers shipped more than 200 million pain pills to West Virginia. My State has a population of a little less than 1,850,000. So we have about 1,800,000 people and prescription drug wholesalers shipped more than 200 million pain pills to my State. Think about that—200 million pain pills and we have fewer than 2 million people. Unbelievable. That is 40 million per year. And

this number doesn't include shipments from the two largest drug wholesalers, so it is even higher than that.

Every day in our country, 51 Americans die from opioid abuse. People are dying as we speak. Here are the national drug abuse facts:

Drug overdose was the leading cause of injury and deaths in 2013. Among people 25 to 64 years old, drug overdose caused more deaths than motor vehicle crashes.

There were 41,982 drug overdose deaths in the United States in 2013. Of those, 22,767—or almost 52 percent—were related to prescription drugs.

Drug misuse and abuse caused about 2.5 million emergency department visits in 2011. Of those, more than 1.4 million were related to prescription drugs. Among those emergency visits, 420,000 were related to opiate analgesics.

Nearly 2 million Americans ages 12 or older either abused or were dependent on opiates in 2013, and on top of that, they are recommending giving hydrocodone to children as young as 12 years of age.

Of the 2.8 million people who used an illicit drug for the first time in 2013, 20 percent began with the nonmedical use of prescription drugs, including pain relievers, tranquilizers, and stimulants.

The United States makes up only 4.6 percent of the world population. With over 7 billion people who live in the world, we have about 320, 330 million people, so that is a little less than 5 percent. Yet we consume 80 percent of the opiates. This Nation, which is less than 5 percent of the world's population, consumes over 80 percent of all the opiates that are produced and consumed in the world—how did we become so addicted?—and 99 percent of the world's hydrocodone, which is Vicodin. Opiate abuse has jumped 287 percent in 11 years. We are not very pain-tolerant anymore.

In 2012, health care providers wrote 259 million prescriptions for painkillers—enough for every American to have a bottle of pills.

Misuse and abuse of prescription drugs cost the country an estimated \$53.5 billion per year in lost productivity, medical costs, and criminal justice costs. Ask any law enforcement—town, county, or State police—and they will tell you that 80 to 90 percent of all the calls they go on are related to some kind of drug use or abuse.

Since 1999, we have lost almost 200,000 Americans. If that is not an epidemic, I don't know what is. And why we are not up in arms—everybody in this country—fighting this epidemic is beyond me. I have always said this is a silent killer. It doesn't matter whether you are Democratic or Republican. This is not a partisan killer. Whether you are a liberal or a conservative, whatever your religious beliefs, whatever your race is, this one has no home. This goes after everybody. But it is a silent killer because we keep our mouths closed because we don't want

to admit to anybody outside of our family that we have a problem. My son has a problem. My daughter has a problem. My niece or my nephew, my mom or my dad, my uncle or my aunt has a problem. We think we will keep that in. We won't talk about it. Well, we don't talk about it, and it continues to grow and grow.

We have a lot of bills in the hopper right now.

The LifeBOAT Act. If I hear 1 time a day, I hear 10 times a day: There is no place to get treatment. I want my child to get treatment. I want my parents to get treatment. There is no place to send them.

I have said we need to do something about that. We need to get a permanent funding stream. So I have introduced a bill that says that one penny for every milligram of opioids that is produced in the United States of America will go to a treatment plan. That means every part of the country that has been affected will be able to get treatment. They will have a funding mechanism.

Some people say: Well, that is a tax. We don't want to put a tax on it.

Well, I am sorry, we do it on cigarettes and we do it on alcohol. We know this is killing people all over the country. No State is immune. Yet we are afraid to move forward.

I am hoping we can come together as a body and find a pathway forward so that we can treat addiction as the illness that it is and try to get people back into productive lives and, most importantly, save their lives. This would be one way to do it and do it in a way that we can all look at ourselves and look at what we have done for our constituents and say: We helped you.

The Promoting Responsible Opioid Prescription Act. This bill would decouple hospital and physician payments. Right now, if an addict comes in and they don't get what they want, they will report you for bad service. They will report a doctor and they will report a hospital or a clinic, and that basically determines the type of reimbursement they get from Medicaid or Medicare. That is ridiculous. If addicts don't get what they want, they are going to be mad at everybody. So we need to change that.

The Changing the Culture of the FDA Act. The FDA should not be putting products on the market that we know are going to alter your life or alter the community or destroy your life. They are there to protect us. If they give a stamp of approval, it should be done because it is a product that we know will not deteriorate or destroy our lives.

The FDA Accountability for Public Safety Act will require the FDA to seek advice. I will give a perfect example. They continue to put opioids on the market every day. There are people who are applying to put more products on the market. We don't need any more products. We have enough painkillers, and we are consuming 80 percent of the

world production now. How many more do we need? They come out with tougher and stronger products. I can't even understand why they do it, but they say it is needed for different purposes. And then what happens on top of that is that it is against the advice of their own advisory committee. The experts in their field are saying: Don't put this product on the market, but they do it anyway. We are saying: Stop that practice. And they will not be able to do that anymore if we pass this piece of legislation.

My good friend from Louisiana, who is a doctor, understands Jessie's Law. Jessie's Law basically would say this: If you have a member of your family—a child, and you are the guardian or the parent and you go to the hospital, both the child who is trying to recover from an addiction and the parents sign that this child has an addiction and this child is in recovery right now, so be very careful what you administer. Red flag that. Make sure—the same as if they were allergic to penicillin—that everyone who handles their chart knows.

A young girl named Jessie Grubb in my State of West Virginia died because the discharging physician was not made aware of her condition and prescribed 50 oxycodone. She used 10 of them, and she was dead at 1 o'clock in the morning, the same day she got discharged. This can be prevented. This piece of legislation should have been passed, and I am hoping we can come to grips with that.

I am going to read one letter, if the Senator from Louisiana will indulge me, my good friend and colleague from Louisiana. I am going to read the obituary of Emmett Scannell. This obituary was written by Emmett Scannell's father. No father should ever have to write his own child's obituary.

I have spoken with Mr. Scannell. He has given me permission to share his son's story as part of his ongoing efforts to break down the stigma surrounding addiction. The first thing you break down is the silence. Parents are willing to speak out now. They want help. They want us to recognize that they need help, and we need laws to help protect them.

On April 20, 2016, our 20 year old son, Emmett J. Scannell, lost his battle to Substance Use Disorder and died due to a heroin overdose. Emmett had been in recovery and sober in Alcoholics Anonymous for 2 years when he went off to college in late August 2014. Within 6 weeks, heroin came into his and our lives, stole him from us, and Substance Use Disorder killed him in only 18 months.

Adored brother of Zachary Scannell and Alice D'Arpino of Mansfield. Beloved son of Aimee Manzoni-D'Arpino (and her husband John A. Manzoni-D'Arpino) of Mansfield and William E. Scannell (and his life partner, Brenda Rose) of Bridgewater; Nephew of Paula Mountain and Brian Mountain of Raynham and Brian Scannell of Raynham; grandson of Peter and Patricia Campos Manzoni of Easton and Paul Scannell and Nora Scannell, both of Raynham; loving

cousin of Josie Mountain, Scott Mountain, and Carley Scannell, all of Raynham.

Emmett was a National Honor Society student who graduated from Bridgewater Raynham Regional High School in May 2014. Unfortunately he is not the first member of his class to die from Substance Use Disorder. Emmett was a sophomore at Worcester State University, where he was studying computer science on a full academic scholarship. But most recently he had, and died from, Substance Use Disorder.

Emmett was a caring, funny, smart young man with the potential for greatness. He loved his brother and sister, biking and snowmobiling and had a smile and charm that could light up a room, but it won't ever again because he had and died from Substance Use Disorder.

You see, Substance Use Disorder is not something to be ashamed of or hidden. It is a DISEASE that has to be brought out into the light and fought by everyone. It continues to cut down our loved ones every day. Please do whatever you can to fight it so that you never have to feel what every one of us who has lost a loved one is feeling right now. We all thank you for your condolences and prayers and ask that you continue to pray for Emmett's soul and our family. . . . Please come to the church where he and his Dad attended their 12-Step Recovery Program together and enjoyed the best years of their lives together. . . . Our family cannot begin to express how much the outpouring of love and support we have received means to us. Knowing our son was loved by so many simply means the world to us!

No parent should ever have to write their child's obituary, especially when it was preventable.

We have to come to grips with this as a society. We are losing a generation. We are losing a generation that could be helping us economically, that could be helping us find new cures for diseases, that could be helping us in maintaining the superpower of the world and the world order.

I look at this, and every day people are pleading for help. They need help.

I ask all of you to pray for Emmett and his family, but also, if you have a problem in your family, speak out about it. Let's get the help that is needed. We have professionals who want to help. As a body, let's do the right thing and find a funding source so that we can put the clinics and the treatment centers around the country that are needed.

In the State of West Virginia, my colleague Senator CAPITO knows very well that we have a challenge and we have a problem and we have a killer, and we are going to stop it, rid it, and wipe it out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

MR. CASSIDY. Mr. President, I have spoken on the floor twice now to tell the stories of the devastation caused by the great flood of 2016 and the depth of need the families of Louisiana have.

Since I last spoke, about 10,000 more people have applied for individual assistance through FEMA, and now about 150,000 folks in Louisiana have applied for individual assistance. This is a serious, immediate issue, and we need help for those who are in great need.

In all of the debate back and forth, some people have forgotten or never realized how massive this disaster was—an unprecedented event. The National Weather Service deemed this as a once-in-a-thousand-years event. Twenty parishes have been declared disaster areas. In the city of Denham Springs, 90 percent of homes flooded, and in about half of the structures flooded, it will cost owners over 50 percent of the value of the building to repair. Ninety percent of the housing stock in this town has been flooded.

According to the estimates by the Advocate newspaper—the paper in the Baton Rouge area—as many as 12,000 Baton Rouge area businesses flooded. The National Flood Insurance Program has found that when businesses floods, as much as 40 percent of them never reopen. For a small business to reopen their doors, there is great cost, and this can prove too great to rebuild. The consequence of this is to the owner of the business, but it is perhaps felt more greatly by the employees—and their families—who lose their jobs.

This flooding caused \$8.7 billion in damage. If you take out hurricanes, this has been the most expensive natural disaster to happen in the United States in the last 100 years. Let me repeat that. Take out Sandy and Katrina, and we have the most expensive natural disaster in the last 100 years—\$8.7 billion.

No one was prepared, and it is not their fault. Less than a quarter of the population had flood insurance because the flood occurred in areas more than 50 feet above sea level. One fellow who called me lives 7 miles from the river, and he got 4 feet of water. He did not expect to have a flood and was not required to have flood insurance. Why would you when you are 7 miles away from the river?

Thousands of families were completely caught off guard by a thousand-year flood and are now struggling to pick up the pieces. They need our help. They are trying to make a decision whether to rebuild or just move on: We can't afford to repair our house. We owe more than it is worth. Let's just walk away from our mortgage, buy a trailer, and hopefully be able to do something different in the future.

Here are a couple of examples of families affected. This is a street. This is not a lake; this is a street. This is a family being evacuated by volunteers. The water was too deep for them to get out. You can imagine, if this is on the street, it is also in the house. And that which most people keep—wedding dresses, picture albums, toys, clothes—is flooded too. When the water recedes and the water goes out of the house, also what goes out are these heirlooms, picture albums, clothes, and piles of debris on the side of the road.

Let me also remind you of Dorothy Brooks. She is 78 years old. In this picture, she was being rescued out of 3 feet of water. You can see the water here next to the deputy's leggings. This

is in Tangipahoa Parish, and this is Sergeant Thomas Wheeler. Dorothy relies on a wheelchair. As you might guess, she could not evacuate, nor could she prepare for the flooding.

Dorothy is not the only person who is handicapped or who is a senior citizen who was affected. At their age, they have been unable to evacuate but also unable to carry out the repairs once the floodwaters recede. One example of this is Roy and Vera Rodney—both in their eighties—who had 4 inches of water in their house. It was not a whole lot, but 4 inches. The FEMA inspector told them their home was habitable, so they were denied repairs and rental assistance. Being in their eighties and having no family in town, they couldn't gut and repair their home on their own. The water sat, and there was damage to the carpet. Their belongings sat. Mold came in, mold spread, and now their house is too unhealthy to live in. They have evacuated to family who live far away, and while there, they are not available to let volunteers come in to gut their house. In the weeks that they have been forced to wait, the house has remained ungutted and mold has continued to spread. Because they could not get their aid in time, the cost of recovery has grown.

The Rodney story is the story of the whole region. Dollars to help that come sooner will have a greater impact than the same amount of money that comes later. Again, if the Rodneys had been able to take out 4 inches of wet baseboard, furniture, carpet, wood flooring, their home would have dried and they would have rebuilt. Because they could not, mold spread, the damage increased, and now the whole house has to be remediated. The same amount of money sooner has a greater impact than later. That is the story of us seeking funding for Louisiana in the CR.

Helping each other is a fundamental American value. I ask all my colleagues to support this continuing resolution with the money for disaster relief for families—not just in Louisiana but also in Louisiana—who have been faced with natural disasters, to help families like these who have lost everything put their lives back together. Let's do what is right and pass this legislation so we can help relieve these flood victims.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I thank my colleague from Louisiana for all the hard work he has done to try and make sure those folks he talked about, and those tragedies he has brought to light for all us, are getting the best assistance they deserve.

I think every State, whether it is Louisiana, West Virginia, Georgia, or wherever we live, we are all subjected to a national emergency at some point. It could be a flood, fire, large snowstorm, windstorm, or tornado—any of these events could happen to any of us.

That is why I have always, through the course of my legislative career, looked favorably to try and help particular areas of this country that need extra assistance. Senator CASSIDY has been particularly effective here, and it has been my pleasure to work with him and others on this subject.

I have already talked on this topic earlier in the week. We are close to having a vote on this legislation, and hopefully it will pass so we can bring badly needed relief not only to Louisiana, West Virginia, and other places but to also have the funding that will carry us through December.

I am a member of the Appropriations Committee, and the Senator from Louisiana is a member as well. I think we are both frustrated that we are at a point where we have a continuing resolution after passing our appropriations bill out of the Appropriations Committee in a bipartisan way. I think we worked well together to provide the greatest impact and voice on individual bills, but unfortunately that process broke down. We are where we are, and in between the time of those appropriations bills, West Virginia suffered one of the worst floods we have seen.

A State like West Virginia has small communities, such as Clendenin, Rainelle, Richwood, and Clay. These are small towns much like every small town in America, and there are people who are still not able to get back into their homes and water systems that have not been running since June. Banks of creeks and water systems are still in disrepair.

In order for folks to get their needed assistance, we need to pass this continuing resolution. Our Governor has identified 310 million additional dollars through the Federal Community Development Block Grant Program, and an overwhelming amount of this—90 percent of the homes that have now been impacted—was not covered by flood insurance. The \$310 million, which the State has identified as a real need, was supposed to go to putting folks back in their homes, new homes, and homes that any one of us would want to live in, but unfortunately they were not able to do that.

More than 5,000 homes in the State of West Virginia were identified as a loss. Twenty-three people lost their lives in the flood because it came so suddenly. West Virginia has beautiful hills, but we also have some valleys as well. When the water rushes, it rushes fast and quickly fills those valleys, and unfortunately some of the families had very tragic circumstances. Many families, thousands of them, lost everything. Small businesses are unsure if they can rebuild and workers don't know if they still jobs. I know the town of Clendenin—19 miles from where I live in Charleston—has a very uncertain future, and that is why it is very important that we get this downpayment of emergency relief for our State and States like Louisiana and Texas.

We are going to work together to make sure we can secure additional funding, if that is what our Governors—and I think both of our Governors have identified additional problems.

I thank the leader, Senator MCCONNELL. I think this has been a week of pushes and pulls and ups and downs. I think he was very skillful by working with the Democratic leader and the leaders over in the House, and we now have a good pathway forward. I wish to express my appreciation to him for his leadership and his ability to, I think, find an answer to some very difficult questions.

I also thank our Appropriations chair, Senator COCHRAN, for his work on this bill.

I wish to speak about Flint, MI, for a few minutes. Nearly 7 months ago, I was one of the very first cosponsors of the bipartisan legislation that Senator STABENOW introduced, along with Chairman INHOFE and Ranking Member BOXER, that would direct resources to address the serious water problem in Flint. I strongly supported the inclusion of the Flint provisions in the Water Resources Development Act, as did many of us, and the vote was 95 to 3, 2 weeks ago.

I know the leadership is committed to taking final action to help Flint later in the year, and I wholeheartedly support that. Unfortunately, West Virginia had a water crisis, too, and although the impact we had was different than what we saw in Flint, we know how devastating it is for businesses and residents to not have clean drinking water. This also has critical funding for our veterans and the opioid and heroin crisis we see sweeping across the country.

I see my colleague from Maryland is here. Her State has also had some flooding as well. We are right next door to one another, and I thank the Senator for her leadership.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of voting for the continuing resolution. Over the last several days, there have been votes I have had to oppose, but I think we have arrived at a place where both sides of the aisle can support this continuing resolution. Is it perfect? No. Is it acceptable? Yes. Is it necessary? Absolutely.

The first thing we need to do is make sure we do not have a government shutdown or a government slamdown. Those wonderful men and women who work for the Federal Government, those who are keeping our Social Security offices open, those who serve our veterans, and those who are working at NIH right this minute on a cure for cancer or helping people with Alzheimer's need to know we are not going to play partisan politics with last-minute dramatic efforts to get one party or the other to stare each other down.

This continuing resolution, which will be before our colleagues shortly, meets three goals that we Democrats have laid out. No. 1, it keeps the government open through December 9 so we can finish the work on government spending and what they call an omnibus bill, meaning all of the subcommittees that would fund the U.S. Government; No. 2, that we do it in a way that abides by the balanced budget agreement of 2015; No. 3, ensure that it does not contain draconian poison pill riders, which is true with one regrettable exception, the SEC political disclosure rider, which is where we tell corporations that if they give money to political parties, they need to disclose it.

The bill does do important things. First of all, it fights Zika with \$1.1 billion worth of emergency funding without objectionable riders restricting funding. It also contains funding for our veterans so they get the health care they deserve and have earned so we can shrink the disability backlog and that we don't leave the veterans stranded while waiting to see a doctor.

I wish to compliment those who worked on that particular funding. I also want to say it does contain disaster relief for flooded communities like Louisiana and West Virginia, but the bill does not respond to the compelling needs in Flint, MI. However, we do have leadership on both sides of the aisle and both sides of the dome pledging to get money to Flint during the lameduck session.

I commend Senators STABENOW and PETERS for their advocacy—those of the Senators from Michigan—for their constituents. There are still 100,000 people in Flint, MI, waiting for their water pipes to be clean and safe. Small business owners are trying to keep their doors open, and mothers are worried about whether their children will suffer any cognitive damage as well as slow growth and development in the future due to the lead in their water.

When we were fighting for Flint, we were fighting for the 100,000 people who needed to be able to count on their government so we could get the lead out of what we do and get the lead out of their waters. We were disappointed about Flint, but we do know it contains an approach that is acceptable to the Senators and the Members from Michigan.

This bill includes \$1 billion for Zika funding that I talked about, and it also funds money for our veterans. I could elaborate on this more, but what I want to say is this. Through a conversation that was arrived at by talking across both sides of the aisle, we were able to get through this legislation.

I thank the Republican leader, Senator MCCONNELL, for his work and talking with me as well as working with our leadership to achieve a bill I think we can support. We want to make sure we finish the job today so we can keep the government open and that we pass the omnibus in December, among the

other bills we are going to be dealing with, which will be very important, and I will have more to say about it. What I am saying now, to my side of the aisle, is that this is an acceptable compromise. It might not be the most desirable, and we could continue to debate and dispute that, but it is acceptable.

I urge my colleagues to vote for the bill, and I look forward to keeping our government open and working on the final product of an omnibus bill with my chairman of the Appropriations Committee, the Senator from Mississippi, who again wants to achieve compromise and do it in a way that is civil.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I move to proceed to the motion to reconsider the motion to invoke cloture on Senate amendment No. 5082 to H.R. 5325.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MCCONNELL. I move to reconsider the motion to invoke cloture on Senate amendment No. 5082 to H.R. 5325.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 5082 to H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Roger F. Wicker, Thom Tillis, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 5082, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.R. 5325, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 77, nays 21, as follows:

[Rollcall Vote No. 149 Leg.]

#### YEAS—77

Alexander	Durbin	Murphy
Ayotte	Enzi	Murray
Baldwin	Ernst	Nelson
Barrasso	Feinstein	Portman
Bennet	Fischer	Reed
Blumenthal	Flake	Reid
Blunt	Gardner	Risch
Boozman	Gillibrand	Roberts
Boxer	Grassley	Rounds
Brown	Hatch	Rubio
Burr	Heinrich	Schatz
Cantwell	Hirono	Schumer
Capito	Hoeven	Shaheen
Cardin	Isakson	Shelby
Carper	Johnson	Sullivan
Casey	King	Tester
Cassidy	Kirk	Thune
Coats	Klobuchar	Tillis
Cochran	Leahy	Toomey
Collins	Manchin	Udall
Coons	McCain	Vitter
Corker	McCaskill	Warner
Cornyn	McConnell	Whitehouse
Cotton	Mikulski	Wicker
Crapo	Moran	Wyden
Donnelly	Murkowski	

#### NAYS—21

Booker	Inhofe	Perdue
Cruz	Lankford	Peters
Daines	Lee	Sasse
Franken	Markey	Scott
Graham	Menendez	Sessions
Heitkamp	Merkley	Stabenow
Heller	Paul	Warren

#### NOT VOTING—2

Kaine                      Sanders

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion, upon consideration, is agreed to.

Cloture having been invoked, the motion to commit falls.

The majority leader.

AMENDMENTS NOS. 5083 AND 5085 WITHDRAWN

Mr. MCCONNELL. Mr. President, I ask unanimous consent to withdraw amendments Nos. 5083 and 5085.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, all postcloture time is expired.

#### VOTE ON AMENDMENT NO. 5082

Mr. MCCONNELL. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 5082.

The amendment (No. 5082) was agreed to.

## CLOTURE MOTION

Mr. McCONNELL. Mr. President, I move to proceed to the motion to reconsider the motion to invoke cloture on H.R. 5325.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the motion to invoke cloture on H.R. 5325.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Thom Tillis, Roger F. Wicker, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote yea.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 77, nays 21, as follows:

[Rollcall Vote No. 150 Leg.]

## YEAS—77

Alexander	Collins	Hoeven
Ayotte	Cooms	Isakson
Baldwin	Corker	Johnson
Barrasso	Cornyn	King
Bennet	Cotton	Kirk
Blumenthal	Crapo	Klobuchar
Blunt	Donnelly	Leahy
Boozman	Durbin	Manchin
Boxer	Enzi	McCain
Brown	Ernst	McCaskey
Burr	Feinstein	McConnell
Cantwell	Fischer	Mikulski
Capito	Flake	Moran
Cardin	Gardner	Murkowski
Carper	Gillibrand	Murphy
Casey	Grassley	Murray
Cassidy	Hatch	Nelson
Coats	Heinrich	Portman
Cochran	Hirono	Reed

Reid	Shaheen	Udall
Risch	Shelby	Vitter
Roberts	Sullivan	Warner
Rounds	Tester	Whitehouse
Rubio	Thune	Wicker
Schatz	Tillis	Wyden
Schumer	Toomey	

## NAYS—21

Booker	Inhofe	Perdue
Cruz	Lankford	Peters
Daines	Lee	Sasse
Franken	Markey	Scott
Graham	Menendez	Sessions
Heitkamp	Merkley	Stabenow
Heller	Paul	Warren

## NOT VOTING—2

Kaine	Sanders
-------	---------

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion, upon reconsideration, is agreed to.

The majority leader.

Mr. McCONNELL. Mr. President, I know of no further debate on H.R. 5325.

The PRESIDING OFFICER. Is there further debate on the measure?

If not, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. KAINE) would vote yea.

The PRESIDING OFFICER (Mr. TOOMEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 151 Leg.]

## YEAS—72

Alexander	Daines	Moran
Ayotte	Donnelly	Murkowski
Baldwin	Durbin	Murphy
Barrasso	Enzi	Murray
Bennet	Ernst	Nelson
Blumenthal	Feinstein	Portman
Blunt	Fischer	Reed
Boozman	Gardner	Roberts
Boxer	Gillibrand	Rounds
Brown	Grassley	Rubio
Burr	Hatch	Schatz
Cantwell	Heinrich	Schumer
Capito	Hirono	Shaheen
Cardin	Hoeven	Shelby
Carper	Isakson	Sullivan
Casey	Johnson	Tester
Cassidy	King	Thune
Coats	Kirk	Tillis
Cochran	Klobuchar	Toomey
Collins	Manchin	Udall
Cooms	McCain	Vitter
Cotton	McCaskey	Warner
Cotton	McConnell	Wicker
Crapo	Mikulski	

## NAYS—26

Booker	Leahy	Scott
Corker	Lee	Sessions
Cruz	Markey	Stabenow
Flake	Menendez	Warren
Franken	Merkley	Whitehouse
Graham	Paul	Wyden
Heitkamp	Perdue	
Heller	Peters	
Inhofe	Risch	
Lankford	Sasse	

## NOT VOTING—2

Kaine	Sanders
-------	---------

The bill (H.R. 5325), as amended, was passed.

The PRESIDING OFFICER. The Senator from Alabama.

## MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—  
PRESIDENTIAL NOMINATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Banking Committee be discharged from further consideration of PN1053, the nomination of John Mark McWatters, of Texas, to be a Member of the Board of Directors of the Export-Import Bank; that the Senate proceed to its consideration and vote without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

ONE-YEAR ANNIVERSARY OF UMPQUA  
COMMUNITY COLLEGE  
SHOOTING

Mr. WYDEN. Mr. President, I want to thank Senator MERKLEY and Senator PETERS for their courtesy to speak for a few minutes.

In a few days, it will be exactly 1 year since the tragic shooting that took nine innocent lives and left nine more injured at Umpqua Community College, outside of Roseburg, OR. Senator MERKLEY and I will be there in a few days. We understand that for the families and the friends of those lost or injured—the students, faculty, and staff—this time is going to be a painful reminder of an extraordinarily difficult day.

Senator MERKLEY and I are so proud of that community. We call it “UCC Strong.” Yet we want to remember those individuals whose lives were ripped away that day and all in the

community who have been suffering. Oregonians everywhere have had these victims and their families in their thoughts, and those thoughts are going to be uppermost throughout Oregon in the days ahead.

Senator MERKLEY and I have spent a lot of time in Roseburg over the last few months. Folks there will tell you they do all they can to go forward, but the trauma doesn't really disappear. Whether it is a walk past Snyder Hall or the sight of a student running on campus, the painful memories just keep rushing back.

As the school presses on, there are a lot of exciting developments on the campus. There is a new college president hard at work. The school just opened its doors to the new Bonnie J. Ford Health, Nursing, and Science Center, with state-of-the-art classrooms. Extraordinary resilience is being seen at UCC and Roseburg, but this is going to be a very difficult few days as we reflect on this horrendous shooting. Of course, the sad reality is that the shooting takes place on a long list of such shootings—horrible mass shootings targeting the innocent. Families and across the country scarred by the shootings share a sorrowful bond.

I know that Roseburg and the movement we know as UCC Strong and the whole State of Oregon have come together over this last year to support the families, the victims, and those who were injured. Over the next few days, Senator MERKLEY and I are going to dedicate and redouble our efforts to do all that we possibly can to reach out again to folks in Roseburg and be supportive and do everything we can as Senators, honored to represent Oregon in the U.S. Senate, to prevent more shootings such as the horrible one that took place at UCC in Oregon.

I yield the floor to my colleague Senator MERKLEY.

I very much appreciate the chance to work with him and our delegation on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I join with my friend and colleague, Senator WYDEN, to recognize the somber anniversary of the tragedy that struck our home State of Oregon a year ago. On October 1, 2015, the town of Roseburg was changed forever.

Roseburg is a quiet, beautiful, small town, like so many others across our Nation. I spent part of my childhood in Roseburg. I was there as a toddler, in kindergarten and first grade. That is where I learned to swim, in the Umpqua River. It is a place where I find it hard to imagine anything terrible happening.

Community members are so supportive of each other, but something terrible did happen that beautiful autumn day of October 1, when the lives of 9 Oregonians—students and teachers—at Umpqua Community College were tragically cut short by the ac-

tions of a crazed gunman. Nine incredible, innocent people were taken from us in the blink of an eye.

I want to take a moment to share the names of those nine victims and to say a few words about each of them.

There is 19-year-old Lucero Alcaraz, who was a freshman who had graduated from Roseburg High School. She wanted to become a pediatric nurse and to help care for the most vulnerable of our citizens.

Quinn Cooper was a member of the Cow Creek Band of Indians who graduated with Lucero from Roseburg High School. That fateful October day was only his fourth day of college. He loved dancing and voice acting. He loved martial arts and was just a few days away from taking his brown belt test.

Lucas Eibel graduated from Roseburg High School. Lucas was studying chemistry. He loved soccer. He loved animals. He spent his time out of school volunteering at the Wildlife Safari animal park, as well as at a local animal shelter.

There is 20-year-old Treven Anspach. His parents called him the perfect son, who was, in their words, larger than life and brought out the best in those around him. He was a talented athlete who also loved working with the Douglas County Fire District.

Kim Dietz loved the outdoors, her husband Eric, their daughter Shannon, and their two Great Pyrenees dogs. She would carpool with Shannon every morning and worked alongside her husband for many years as a caretaker at the Pyrenees Vineyards in Myrtle Creek.

Jason Johnson. Jason had been facing substantial challenges, as so many others have, but he was proud to have taken control and turned his life around. After completing a 6-month rehab program with the Salvation Army, Jason decided he wanted to go back to school and continue his education. Jason's mother said: "He finally found his path."

Sarena Moore. Sarena came from my hometown of Myrtle Creek. She was in her third semester at UCC studying business. She was an active member of the Grants Pass Seventh-day Adventist Church and the proud mother of two adult sons.

Lawrence Levine was an English professor at UCC who loved the blues, and he loved fly fishing. He was a quiet, laidback guy who loved teaching, but his true passion lay in writing novels, though tragically his life was cut short before he could publish his work.

Rebecka Ann Carnes. She was my first cousin's great-granddaughter. She was an 18-year-old graduate of South Umpqua High School. She was an avid hunter and loved four-wheeling.

Rebecka was a beautiful spirit. She was excited for college and excited to get out and explore the world. In a picture she posted online, you can see that she had written on her high school graduation cap, which she was holding in front of her, "and so the adventure

begins." She was ready for the adventure of a life to come, but it was an adventure that was cut short in a hail of bullets.

Though the persistence of time may force us to move forward, we must never forget these beautiful members of the community or forget the tragedy that took their lives. Their families, the Roseburg community, the Douglas County community, and the entire State of Oregon continues to mourn their loss.

There is an Irish saying which goes: "Death leaves a heartache no one can heal, love leaves a memory no one can steal." Our hearts continue to ache for these nine wonderful individuals who were taken from us far too soon. In the aftermath of this tragedy, the fabric of the Roseburg community and greater Douglas County community has only grown stronger. The community has rallied together through the UCC Strong Fund to support the families of those who died, to give aid to those who survived, to make Umpqua Community College an even greater asset to the community than it was a year ago, and to celebrate the lives of these nine men and women and ensure that their memories continue to live on.

This Saturday, another autumn October 1, the community will come together and walk together to mourn, remember, and support the families of those lost, embrace and help heal those who were injured and those who were traumatized, and continue to rebuild the community. As they come together on Saturday morning, all of Oregon will come together with them by holding them in our thoughts, our hearts, our prayers, and mourning with them. We will be remembering, supporting, embracing them, and partnering with the amazing Umpqua Strong community.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### FUNDING FOR FLINT, MICHIGAN

Mr. PETERS. Mr. President, I wish to take a moment to thank my colleagues for their ongoing support and patience as we continue to fight to deliver Federal support for Flint families. With an agreement earlier today to take up a bipartisan House amendment to the Water Resources Development Act, or WRDA, we have taken another step forward to finally put Flint on the road to recovery.

Just a few days ago, we still had some Members in Congress who were refusing to allow even a vote to provide any assistance to the families in Flint, but with this agreement, we now have a commitment from the House leadership to move forward in helping Flint families. While I am pleased with this development, I remain disappointed that the passage of today's continuing resolution will not deliver Federal funding to Flint residents.



To be clear, I strongly support continuing to fund the government, and I believe there are many good policies in the CR. It contains resources to address the spread of the Zika virus and disaster relief for flood victims, both of which I support a great deal. In fact, we know the threat Zika poses to our Nation's public health, and it is critical that we have finally passed funding to accelerate vaccine development, prevent Zika transmission, and boost public health efforts to the impacted communities. In addition to addressing these emergencies, I also support the inclusion of legislation to fully fund military construction and the VA for the coming year.

As a former lieutenant commander in the U.S. Navy Reserve, I support investments in VA programs, military personnel, and family housing for our servicemembers. This critical funding will also address disability claims processing, the health care needs of female veterans, and the urgent need to modernize the VA's information technology systems. Inclusion of veterans funding and resources to fight Zika had broad bipartisan agreement, but I think it is important to know the Senate also reached consensus on providing much needed relief to the victims in Flint by passing a WRDA bill earlier with 95 votes, but these fully paid-for Flint resources were put on hold while disaster relief for flood victims in Louisiana was included in the CR. I support helping the people of Louisiana, but I also strongly believe we should not be in a position where we pick some States to help and not others. Everybody, no matter who they are or where they live, if they are facing a crisis, if the U.S. Congress is going to help those in need, we need to help everyone regardless of where they live. Americans are Americans regardless of the State in which they reside; therefore, I could not support a government spending bill that will once again force the citizens of Flint to wait for the help they so desperately need.

It is simply unacceptable that a bipartisan, fully offset Flint aid package was left out of the CR. There is no excuse whatsoever for leaving the people of Flint behind. It has been a year since the first public health emergency declaration was made in Flint and over 8 months since a national emergency was declared. Yet almost 100,000 residents of Flint still do not have a reliable source of safe water. They are still using bottled water to drink, cook, and bathe.

I deeply appreciate the progress we have made so far, but Flint families should not have to wait any longer. When a disaster strikes in this country, we pull together to help each other out. We should do that for all communities. We shouldn't tell people who have waited so long—yet we are telling them—to get to the back of the line. This is why I cannot support this bill which prioritizes one State's emergency over another.

We should do right by the people of Flint as well as the victims of flooding, Zika, and other national emergencies.

Over the coming weeks, I will be working to ensure that we follow through on the promises that were made to the people of Flint this week in both Chambers of Congress. We must send a bill to the President that will help the people of Flint continue to replace their damaged pipes so they can turn their faucets on and have clean, safe water flowing from their taps once again. I certainly hope and expect that my colleagues in both Chambers will not let the people of Flint down in their desperate time of need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

(The remarks of Mr. COONS and Mr. BOOKER pertaining to the introduction of S. 3432 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOOKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OUR BUDGET PROCESS

Mr. PERDUE. Mr. President, I rise today and ask unanimous consent to engage in a colloquy with my Republican colleagues up through the next hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERDUE. Mr. President, I believe what we are going to talk about over the next hour is one of the most important issues facing our government.

We sat here today and listened to a lot of very valid pleas for help from the Federal Government. The reality is, we don't have the money. There are four words I have not heard in the U.S. Senate or Congress, actually, since I have been here over the last year and a half, and those words are "We cannot afford it."

The problem is that right now we have a budget crisis. We have a debt crisis. Let me say this: Fixing the budget process will not solve the debt crisis. Let's be very clear about that. But we will not solve the debt crisis unless and until we address the dysfunction in our budget process.

The problem is that in the last 42 years, since the Budget Act of 1974, the budget process has only worked four times.

This chart explains this fact. We can see the yellow lines show that—and I hope my colleagues can focus on this—only four times in the last 42 years has this budget process that was enacted in 1974 actually functioned at all to fund the Federal Government.

One of the major responsibilities of our jobs here in the Senate and the House is to fund the Federal Government, to take care of discretionary needs such as those heard today from Flint, MI, Louisiana, West Virginia, and Maryland. These are valid needs, but every dime we spend in our discretionary spending is borrowed. I will talk more about that a little later. We have some speakers today who are going to talk about the results of not having a budget process that works.

This chart explains that over the last 42 years, since 1974, there were four times that the 13 appropriations bills actually got passed and we funded the government the way we are supposed to.

The blue lines are the actual appropriations bills. Since 1998—somewhere in there—we went from 13 bills to 12 bills that actually fund. These are appropriations bills that fund the Federal Government. They fund \$1.1 trillion of a \$3.9 trillion spend of the Federal Government.

This chart shows that over the life of this law—these are the laws, the appropriation bills that have been passed each year, and the average is the red line. The average over this period of time is 2.6 bills of the 12 or 13 bills that have to be passed to fund the government.

Over the last 19 consecutive years, we have used 107 continuing resolutions to get past the fiscal year to make sure we fund the government on the first day of the new fiscal year.

This is how serious this is. Next Monday is the first day of the next fiscal year, fiscal year 2017. We sitting here today are voting on the CR to get us past this day so the government doesn't have to shut down next week—those dreaded words of "irresponsibility" and "intransigence." Quite frankly, this is part of the problem because what happens is what happened last year.

The dysfunction in the system is centered around this: The budget is not a law, it is a resolution. That means that a majority, with 51 percent of the votes in this body, can pass a political statement. That is exactly what happened last year.

Let me say this before we go any further: Everything you hear today is nonpartisan. This should be about a nonpartisan exercise that we have in funding the government. Yes, we are going to have debates based on our partisanship and based on what our beliefs and principles are, but the basic process should be a politically neutral platform that allows us to argue our differences in the budget process, get to a budget, move to the appropriations, and fund the government by the end of the fiscal year, and we have only done that four times in the last 42 years.

The dysfunction is centered around this. If you look at this chart, every year we just don't have enough time, basically. And it is not just time, it is the process. The budget is based on a

resolution, and 51 percent can vote for it. Last year, as an example, the majority—the Republican majority, by the way—voted a political bill that took \$7.5 trillion out of the President's budget over the next 10 years without one Democratic vote. Then we got to the authorization process—and the authorization process, by the way, is a law and they have to have 60 votes. So guess what. The people on the other side of the aisle, my friends, said: Well, you didn't ask our opinion in the budget process, why do you want our help now? So they don't let us get on the appropriations. We have some \$310 billion that we are funding today that is not authorized, over 256 agencies and programs.

The next thing is we go to appropriation. Again, the minority party can stop the process by not letting us get on the bills.

We have a situation right now—this is nonpartisan, but it is a reality. The Defense appropriations bill which funds our military was passed unanimously in committee, the way it was supposed to operate. Democrats and Republicans got together, worked it out, made amendments, and came up with a bill that funded our Federal Government's military. Yet we tried six times to get it to the floor. There are political reasons why it hasn't gotten to the floor, but it shows the dysfunction we have in this process.

Mr. President, the time has come for us to address this process. I am so excited to have various Members of the freshman class here. We have the chairman of the Budget Committee coming down. We have some other senior Members who have been working on this for years.

I notice my good friend from the State of North Carolina, Senator THOM TILLIS, is here, and I will ask him to give us his perspective. There is a big military effort in their State, and Senator TILLIS has been a soldier in this, not only in the Senate but in his time as speaker of the house in North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Thank you, Mr. President.

I thank my colleague and friend from the great State of Georgia for taking a leadership position to really cleanse the dysfunction and the problems that are going on.

Mr. President, Senator PERDUE is only a 2-year politician. His tenure in the Senate is actually only 2 years. He has spent all of his time in business. He spent time in business, where you didn't keep your job if you couldn't balance your budget. You didn't keep your job if you couldn't make the difficult decisions year to year—making payroll, making strategic investments, and doing the kinds of things good business leaders do. That is what he has done all of his life. Now he finds himself in the U.S. Senate, where that is almost the exact opposite of what we do.

We just had passage of a continuing resolution today for a few weeks because we can't come to terms on long-term spending measures. Over a dozen bills passed out of appropriations with strong bipartisan support and within the constraints of the bipartisan budget, and now we can't get them passed. Why is that a problem? Because when you have the world's largest and most complex entity that has ever existed that can't figure out how much money it is going to spend or commit on more than about a 12-month cycle—and sometimes only a few months—how on Earth can you save money and make long-term investments?

We were in a committee hearing yesterday where we heard that right now it takes an average of 15 years from the concept of a new satellite to the time we are launching it into space. How on Earth can we make those long-term investments when we can't even be clear on what we are going to be spending money on but for every 12 months? This is a threat to our national security. This is a threat to our economic security. This is a threat to the security of every man and woman in the United States because they can't rely on the government to provide businesses or individuals with any kind of certainty whatsoever.

It is tough to make budget decisions, but they need to be made. I know a little bit about this because I was speaker of the house in North Carolina in 2011. We had a budget crisis. We had a \$2.5 billion debt and 6 months to solve it. Unlike the Federal Government, where you can run up a deficit every year—it is now almost \$20 trillion—most States, with the exception of maybe one or two, have a constitutional obligation to balance the budget, so we did it.

What was the result of providing that long-term certainty? Living within our means and actually having a transparent and decisive budget process. We had one of the greatest economic turnarounds in any State in the Nation in the last 5 years.

Being decisive and making the tough decisions accrues a benefit to the business community, accrues a benefit to every man and woman who lives in the United States, and it actually settles the global economic condition more than most people know.

At the end of the day, let's start doing our job. Let's not just create a budget like we did, a bipartisan budget, set it on the shelf, and then pass several appropriations bills and kill them on the floor. That is what is going on here, and I think my freshmen colleagues think it is time—there are a lot of people who put posters up here saying "Do your job," but they are failing to do their jobs by preventing us from doing one of the most important things we can do—make the tough, long-term fiscal decisions that are necessary for this great Nation.

I say to Senator PERDUE, thank you for allowing me to speak.

I thank Senator PERDUE for bringing up this very important subject. We need to stay in front of this and recognize that doing our job is tackling this budget crisis, tackling the uncertainty that we, by failing to do our jobs, are placing on every hard-working American and business in this country.

With that, I yield the floor.

Mr. PERDUE. I say to Senator TILLIS, thank you for coming to the floor and talking about this issue. With your experience in State government in North Carolina, you know that 44 States have a balanced budget law. Guess what States don't have a financial situation, a financial problem.

I thank the Senator for speaking.

I note that my colleague from Oklahoma, Senator LANKFORD, is on the floor.

He has been a warrior on this budget before when he was in the House and now in the Senate for the last 2 years. I welcome his comments to speak about this as well.

Senator LANKFORD.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, this is a long-term issue. This is not something new. I am amazed at the number of times I run into people in Oklahoma who say: Why can't we seem to get the budget done now? What has happened?

I have said: Let's back up for just a second. Since 1974 we have done a budget and done it correctly four times total. The Congressional Budget Act was created right after Watergate, in 1974, to try to create this more transparent process. What they created was a process so incredibly difficult to work with that it has worked four times since 1974. We have only had 2 years since 1974 when we haven't had a single CR. That is a continuing resolution. This body just passed another continuing resolution, meaning the appropriations process won't be done on time again this year. That was settled today.

The issues we face with budgeting are not new. It has been 20 years since we had no CR at all. This constant issue of putting the big budget issues off and trying to figure out how we are going to navigate through the Senate procedures and get the budget done has to stop. At some point we have to have a determination to say that we can't just keep saying: Next year this will improve; next year this will improve.

We are not going to get a better product until we get a better process. We have a very bad process right now, and we need to admit it is a bad process.

What I am proud of is that there are multiple Members of this body—from the leadership of the Budget Committee through the freshmen who are brandnew Senators—who are all focused on the same thing. Let's solve how we do budgeting and actually get to a better product by improving the process. What do we have? We have almost \$20 trillion in debt, and everyone

argues about what we are going to do on a few things to try to do management, but no one is really talking about how we actually get us back to balance and paying off the debt.

It is a common conversation I have with people in Oklahoma.

This is a conversation where people say: Can we ever get this resolved? Is it too late?

On the whole, Americans believe nothing will get better in Washington, DC, dealing with the budget, and their question is this: When and how does it get better? I wish I could give them a lot of hope on that.

What I typically tell people is this: Let's just do a "for instance." Right now, let's take the balanced budget piece that we had and that we put out earlier this year. It actually took 10 years and chipped away at the deficit. In 10 years we chipped away at it and got back to a balance where we had no deficit that year. It was balanced. Then let's say the next year we actually had a \$50 billion surplus. It would be a pretty good surplus. So we chip away and in 10 years get to balance. The next year we have a \$50 billion surplus.

Do you know how long it would take us to pay off our debt if we had a \$50 billion surplus? If we had a \$50 billion surplus every year for 460 years in a row, we would pay off our debt—460 years in a row of \$50 billion surpluses and we can get on top of this. Everyone says that is unreasonable. I would say it is certainly unreasonable if we don't change the way we do our process. It just continues to get worse.

There are some basic things we can do. We can do budgeting every 2 years. People may say: Well, how does that solve anything? Well, that is predictability and planning. It creates greater oversight.

Right now we do this every single year. In the speed of what has to be done, how it has to be done, there is very little oversight on our spending. We could actually put all the areas we have in spending—all accountable, every year.

Right now there is about 25 percent to 30 percent of our budget with the appropriations process that we actually focus on every year. The rest of it is on autopilot, and it is never touched.

Until we get everything in front of everybody every year to be able to look at it for oversight, we are not going to solve the big issues. We have to deal with what are called budget gimmicks.

I have been at war with a budget gimmick called CHIMPS. It is my favorite of the gimmicks. There are a lot of them out there. It stands for "changes in mandatory programs," or CHIMPS. The changes in mandatory programs is a budget gimmick out there that says we were planning to spend this much—when we really weren't, but on paper it said we were—and then instead we said: No, we are not going to spend that much this year so we will spend it on something else.

But guess what. The next year they come back to the exact same dollars

again and say: No, we are planning this year to do it, but we are really not, and so we will to spend it on something else.

It just adds debt every year. We will have billions of dollars of CHIMPS built into our budget and claim that the deficit is even lower than it is. It is not. It is just this budget gimmick, and in real dollars it makes it even bigger. We have to deal with those budget gimmicks in there and be able to take that away so that when the appropriations process is done you get real numbers. The hardest thing to get in DC is the real number. So you have to deal with all these gimmicks out there to remove those. You get a longer time period to be able to plan and create some certainty, but one of the key things we have to have is an actual deadline. This town doesn't function on anything other than deadlines and pressure points. When it is time that it actually has to be resolved, we get it resolved. But if we don't have to resolve it right now, this town just says: Tomorrow. We will get it done next week. We will get it done next session.

The focus is how do we actually create those pressure points? How about a simple idea that says that if we don't get the budget done on time—the appropriations bills done on time—then it goes to an automatic CR so we don't have a government shutdown, because government shutdowns just waste money on the whole? It automatically kicks in to last year's budget amount. But here is what changes. All of the Members of Congress, our budget, our staff for how we function, our operating expenses, all of our committees, and the Executive Office of the White House—that is the three groups. From both the House and the Senate and the White House, all of our budgets drop immediately. Let's say 4 percent, 5 percent, 6 percent the first day and then it does that for 30 days. Then, if you still don't have the appropriations process, it cuts again another big percentage. It puts the pressure where the pressure needs to be. It is not the fault of the agencies or the American people that the job wasn't done. It lies squarely in the House, the Senate, the White House, and our negotiations for not getting it done on time.

It is a simple mechanism to say: If the task has not been done, put the pressure where the pressure needs to be—the cuts in the House, the Senate, and on the White House. Push all of us to the table and get it resolved.

The goal is to do appropriations in a transparent process so the American people can see how their money is being spent and to be able to do it wisely and to be able to create a process where you can actually solve the problem.

Currently, we don't have a process that solves the problem. This magically doesn't balance the budget. It still takes hard decisions, but it at least creates a format where we could solve the problem. Right now, we don't even have that.

In step one, like an AA group, let's at least admit there is a problem. There is a problem.

In step two, let's get to work on fixing it and actually resolve the process. Then let's actually get to work balancing this and paying off our debt.

I appreciate the opportunity to be able to talk about this issue.

Mr. PERDUE. I say thank you to Senator LANKFORD.

I think my colleagues can see the passion and history he has had here and a lot of great thoughts.

I note that the chairman of our Budget Committee in the Senate, Senator MIKE ENZI from Wyoming, is here on the floor. I am going to turn it over to him and ask him to give us his comments. He has been fighting this for years. As chairman of the Budget Committee last year, he managed to get a budget out of our committee that actually took over \$7 trillion out of the President's budget at that point in time.

I say to Senator ENZI, thank you so much for joining us.

Mr. ENZI. Mr. President, I thank the Senator for his comments. I don't get invited many places to speak because I talk about what the Senator has been talking about. It depresses people, but it is about time we got depressed over the budget and made some changes. I appreciate everybody on the committee and those who are not on the committee who have been working to solve this problem. I know that most of you ran on getting a balanced budget, getting to a balanced budget, balancing it now if we could.

I get real frustrated because I know we are \$20 trillion in debt and heading to \$29 trillion. Then I hear people say: Yes, but we cut the deficit in half.

That is not the debt.

I don't like the word "deficit." I call it overspending. That is what we are doing.

We just got the report that we are going to be \$590 billion overspent this year. As Senator LANKFORD pointed out, 70 percent of the budget is on autopilot. So that 30 percent that we get to make a decision on is \$1,070 billion.

We have to worry a little bit because interest rates might go up. But on \$20 trillion, if it is 1 percent, that is \$200 billion a year that we are throwing into a rat hole. But if that goes to 5 percent, which is the norm for the Federal Government, we are out \$1,000 billion a year in interest.

Let's see. We get to make decisions on a \$1,070 billion and \$1,000 billion of that would go to interest. We better solve this pretty quick. I think we could be at 5 percent within 3 years. The defense is over \$500 billion, and that is not enough.

We definitely have a problem, as has been pointed out by the chart. In the 40 years since the Congressional Budget Act was passed, we have only completed all 13 bills four times. We have been holding hearings in the Budget

Committee. This group of people have been holding other meetings to see how it is done in the private sector, how it is done by other countries, and how it is done by the States. Nobody does it like the Federal Government.

When I was trying to figure out first budgets, I found out the format we use is not the same as the one the Appropriations Committee uses and definitely not the same format the President uses. Then I found out that is intentional. That is so you cannot follow the dollars.

But there are a lot of problems besides that in following the dollars. For instance, we have 120 housing programs administered by 20 different agencies. That is not seven per agency or one having more than the others. That means that the 120 programs are administered by all 20 of the agencies. Nobody is in charge. There is no goal set. We don't know if they completed what they set out to do, and there is no way to make a correction if they did.

I pointed out a lot of times how far behind we are on actually approving the things that we do. We don't ever go back and look at the old stuff. We are paying for a program from 1983 that has expired, another one from 1987, and a whole bunch of them from before 2006. We have to get off this auto pilot and get to a new format.

I congratulate this group and particularly Senator PERDUE. The first time we had a Budget Committee meeting I remember introducing him, and I said: Senator PERDUE knows how to balance a budget. He has been working in the private sector.

He said: No, in the private sector you have to show a little bit of a profit.

Well, we are going to have to show a little bit of a profit around here if we are ever going to get rid of the debt. We better do that or our kids are really going to suffer.

In fact, in the private sector we are having some pension problems, but we have been making the private sector put money away for the pensions, invest the money so they would be able to meet the promise that they made.

The Federal Government doesn't do that. We just take it out of this budget.

If we spend \$1,000 billion on interest and there is only \$1,070 billion, what do you think is going to happen to Federal employees who are expecting retirement? That could be in worse shape than the multiemployer plans.

We are going to have to come up with some solutions, and I appreciate this approach where we are looking at what the private sector does, what the States do, and what other countries do—and they have had success.

It is a little difficult because it causes some reorganization in what we are doing. Maybe we can wind up with one or five housing programs, and they would all be under one agency so we could have goals.

We are going to have a portfolio method of budgeting so that we know what we are trying to do and whether

we get it done. There are already some laws on the books that say that we do that, but we don't.

I congratulate you for doing this. I am so pleased that we have Senator PERDUE heading up this effort because, as I mentioned, he has saved some businesses before. They took his advice and reorganized. I think a lot of us have looked at this and said it could be done. It is going to be difficult because we don't even go back and look at old programs—let alone reorganize.

I hope people will pay attention to this and see if they have some other ideas to throw in. But listen carefully to what is being said here today because this has to be fixed.

I was hoping we could fix it before the elections because we were getting cooperation from the other side of the aisle and a lot of good suggestions. One of the reasons we were able to participate in a very bipartisan way, I think, is because none of us knew who was going to be in the majority in the Senate, nor did we know who the President was going to be. I think that made all of us a lot more reasonable. I hope after the elections we can still be reasonable and do something that will save this country.

I thank the Chair.

Mr. PERDUE. Mr. President, I thank the chairman for his comments, but more importantly I thank him for his heart in terms of running the Budget Committee and leading us into this observation and recognition. As this chart says, we have a dysfunctional system, and we don't have an alternative but to find a better plan.

With that, I note my good friend and esteemed colleague from Tennessee Senator CORKER is here. He is chairman of the Foreign Relations Committee, but more importantly he lets me sit next to him on the Budget Committee.

I want to say this about the Foreign Relations Committee. It is a very bipartisan committee. Under Bill Clinton, just 16 years ago, we spent about \$20 billion on the State Department and USAID. Currently, we are spending about \$54 billion. That is just one department. Those are constant dollars to show you how government has sort of exploded in the past 16 years—both under Republican leadership and under Democratic leadership.

I am so glad Senator CORKER is here, and I look forward to his comments.

Mr. CORKER. Mr. President, I am thrilled to be here. I thank the Senator for his leadership on this issue. I also thank Senator ENZI for the way he conducts committee business, as the Senator just mentioned.

We are on a committee where basically the way it is set up, it binds both his arms and his legs behind his back, meaning that just the process we have in place makes it impossible for us to deal with our country's fiscal issues. With the Senator from Georgia joining the committee, having been a person who has dealt with businesses throughout the world, and quickly seeing these

frailties that Chairman ENZI has to deal with, the Senator has thrown himself into trying to deal with those issues, and I admire him for it.

I think the Senator from Georgia and I both know this is going to take a while because, in essence, we are talking about a total reorder. We really don't have a budget process. To even call what we do a budget, for most human beings' understanding of what a budget is, is obviously not realistic. So I thank my colleague for that.

I am an advocate for what Senator PERDUE and Senator ENZI are trying to do. We have to, in essence, get a process in place that actually works. That is impossible with the process we have today, and today is the perfect example of that, right? We passed a CR through December 9, and, by the way, we make no policy changes.

Now, think about an entity the size of our Federal Government, where we spend \$4 trillion of the American people's money each year, and yet we don't do the authorization process which lays out policies. If you can imagine IBM or Apple or Google or any company like that just continuing each year to do things exactly the same way and thinking there is going to be a different result, that is not possible.

Worse than that, in spending the \$4 trillion we spend each year, we only have a budget over \$1.2 trillion, \$1.3 trillion, and the rest is on autopilot. It is the part that is on autopilot that is the greatest threat to our country's national security.

So I actually think we need to do two things at once. One is we need to continue working through the processes that Senator PERDUE and Senator ENZI are working on. It will take a while to get that done. We are going to have a total reordering of how we do business. That affects Senate careers and staff, and we understand how difficult that is. We are dealing with human beings. We are dealing with people who have an investment in what they have been doing for years, and it is going to take us a while to overcome the culture that has been established here.

Simultaneously, as my good friend Senator Gregg from New Hampshire had laid out, we also need to begin putting in place policy changes that begin saving our Nation.

One of the problems with the budget process is, we pass a budget that makes assumptions, but those assumptions never become reality. So we say the budget balances over 10 years, but we never do the tough things it takes for those policies to actually be put in place. So a forcing mechanism—I know several thoughts have been put forth—to force us to do that, to force us to do that and to keep government open and functioning is something that has to occur.

I am proudly a part of this effort as a wingman. I appreciate all the meetings that are taking place. I hope we are going to get to a result. I agree with Senator ENZI that it would have

been good to have done it when we didn't know who the President was going to be or who was going to be in the majority. That is not going to happen, but things like this that matter, that save our Nation, take years to happen.

Senator PERDUE is a young Senator here by tenure. These things take a long time. I look forward to working with him to ensure we get the right outcome to save our Nation and to keep us from this moral depravity that is taking place where, in essence, every day that goes by, we are involved in generational theft because we are not doing this. We are really laying a huge burden on future generations.

I yield the floor, and I thank my colleague for his effort.

Mr. PERDUE. Mr. President, I thank Senator CORKER very much.

Moral depravity is so prevalent here, and it is no more present and no more important than in the area of funding our military.

I notice Senator ERNST from Iowa is here, and I appreciate her leadership as a fellow freshman in the Senate, but let me highlight one thing very quickly. Senator CORKER just mentioned that about one-third, 30 percent of what we spend—35 percent over the last 8 years—is borrowed, and it is projected that over the next 10 years about 35 percent will be borrowed. About 30 percent of what we spend is discretionary. That means every discretionary dollar we spend as a Federal Government is borrowed. Let me say that again. Every dollar we spend in our discretionary budget is borrowed. That means our military, our Veterans' Administration, our military construction, our domestic programs, all the things we are talking about are borrowed. That means we have to get serious.

We have disinvested in our military because of this budget crisis, and it is just another reason to get at this budget process.

I can't tell Senator ERNST how much I appreciate her being here, and I look forward to her comments.

Mrs. ERNST. Mr. President, I would like to thank my colleague from Georgia for spearheading this very important effort. We have heard discussions about getting back to regular order. We have heard discussions about the difference between the debt and the deficit and where do we go as America. So I am glad my colleague is investing his time in this effort, and we look forward to walking through that process.

It is good to see so many of us here today, engaged and very active in this effort, and so I would like to thank all my colleagues. I know a number have already spoken.

Truly, our Nation faces some very serious challenges and challenging budgetary times and all of that coming at us in the future. If we aren't honest about where we are right now and where we are headed in the future and fix it, our children and grandchildren

are going to be handed a very heavy burden.

We are already over \$19.5 trillion in debt and a level that is growing rapidly every single day. I am from Iowa, and back home in Iowa we generally don't talk about things in trillions of dollars or even in billions of dollars. So when you break it down, that debt load represents about \$60,000 per person in this great country. That is quite a number, and one that all of us should be concerned about.

The American people are concerned, and they are frustrated with Washington for a reason. Washington doesn't seem to be serious about stopping the reckless spending habits this town has. That is why I think this proposal is a very interesting one and one that could provide opportunity as we move into the future.

As we stop and look at the reckless spending habits—and most Americans agree we have reckless spending habits here in Washington, DC. I tend to agree with those Americans. I agree. Since coming to the Senate last year, I have worked to cut down wasteful and duplicative spending. Let me give just one example of taxpayer money that has been wasted.

Earlier this year, I introduced a bill that would limit the perks that wealthy former Presidents receive. In 2015, taxpayers spent \$2.4 million on travel, office space, communications, personnel, and other expenses for past Presidents—I might add, wealthy past Presidents. At a time when they receive well-compensated book deals, speaking engagements, and all kinds of activities, hard-working Americans shouldn't foot those bills, and they shouldn't be expected to.

We passed that bill in the Senate and in the House with bipartisan work on that effort. Unfortunately, President Obama decided to veto it. While we are still working on a path forward, it leaves me just as frustrated as all the other Iowans who know we can't continue spending money we don't have on things that aren't necessary.

Washington can't even do the basic business of balancing our own budget. Plain and simple, we should. Families in Iowa do it every day, and they expect us in Washington, DC, to do the same. After all, it is their tax dollars that are being spent, and it deserves to be spent wisely. Unfortunately, it might just take a complete overhaul of Washington's ways to help us solve this problem.

Again, I thank my colleagues for joining us in this effort. While some of my colleagues on the other side of the aisle have certainly made it very difficult, if not impossible, to conduct business in any sort of regular manner, the reality is excess spending in this town seems too often to be bipartisan.

I know my colleague from Georgia mentioned earlier our debt has ballooned under both Republican and Democratic administrations. We are far too often unable to take a good

hard look at the money that is being spent because we often will get a 1,900-page bill at the last minute, and we are given the choice of either taking it or leaving it. Normally, that is for funding most of our government. That kind of practice doesn't show us a good way forward. It forces us to make difficult choices about how we are spending taxpayer money, and it certainly doesn't give us the opportunity to cut wasteful spending. We have to do better by our taxpayers.

I thank my friend from Georgia and my other colleagues joining us today to help us start thinking about how we solve this crisis and how we can do it in a creative way. I again thank Senator PERDUE for leading this effort, being at the tip of the spear, and hopefully we are moving toward a smarter way of doing business in Washington. If we don't do better, I am afraid the future of this great country will be a lot dimmer.

I thank the Senator and I appreciate the opportunity to be here.

Mr. PERDUE. Mr. President, I thank Senator ERNST. I enjoy her leadership in the Senate.

With that, I notice Senator ROUNDS of South Dakota is here. He was a Governor who dealt with this budget issue in an executive and legislative body in South Dakota, and I am looking forward to his comments. I thank him for being here.

Mr. ROUNDS. Mr. President, first, I want to start by thanking my colleagues here today, particularly Chairman ENZI, who leads the Budget Committee, as well as Senator PERDUE for not only being the only freshman who serves on the Budget Committee but for leading us on the floor in the discussion of this very important topic of our Federal broken budget system.

Once again, today, Congress has just met our deadline to fund the government past the end of the fiscal year. While many of us in the Chamber, as well as the American people, are rightly frustrated by this requirement for a last-minute reprieve, it is a reminder of our broken Federal budget process and why we can no longer afford to continue down this dangerous path.

I spent a great deal of time holding different meetings across South Dakota during August, meeting with folks all over the State. During that time, our soaring national debt and runaway spending has continued to be a concern to me. What I relayed to them about our country's fiscal future and what I would relay to you now is that it is just not very pretty.

I shared with them a report from the Congressional Budget Office, which, in January of this year, released an in-depth analysis of our debt and our deficit. It found that, by 2026, annual deficits will double the share of GDP to 4.9 percent—more than tripling in dollar terms to \$1.37 trillion, or \$1,370 billion, as the chairman of the Budget Committee likes to put it.

It also found that in 2026, just 10 short years from now, 99 percent of revenue that comes into the Federal Government—income taxes, both personal and corporate, all the gas taxes, all the fees—will go back out in mandatory payments and net interest spending, leaving no room to pay for roads, bridges, health care, our Armed Forces, and other vital needs within our Nation. That 99 percent number, as they projected in 10 years, is a crisis. I would suggest to my colleagues that crisis is not in 10 years. That crisis is now.

Earlier, we heard Senator CORKER explain very, very eloquently the fact that it takes time to move things here. I suggest that time is of the essence, and we no longer have a 10-year cycle in which to make these changes. We have to begin the process of fixing this broken system, and we need to begin now.

In 2026, our country turns 250 years old. Wouldn't it be a marvelous goal if, by that time, we not only had this process fixed, but it was actually working once again?

The CBO report concluded that the driver for this rising debt is largely from growing mandatory payments, as we heard our colleagues say. That is Medicare, Medicaid, and Social Security, as well as interest on our debt. Yet here in the Senate, when we work through the appropriations process to determine the best way to spend Americans' hard-earned money, we don't even vote on mandatory payments, which are mandatory payments on mandatory programs. Today, those mandatory payments account for nearly three-quarters of all Federal spending. That means the continuing resolution we just did is based upon about 28 percent of the total amount we will spend next year. It is simply not acceptable that we continue to look at and try to balance yearly deficits of \$500-plus billion every single year when we only look at 28 percent of the total spending that goes on.

Let me suggest this. In order to fix this, as my colleagues have said today, we have to begin a process with expectations that the process actually works once again and that there are timelines established well in advance of the end of the fiscal year. But even more than that, any process we use in the future also has to bring in accountability, authorization, and appropriations together. Why is it that when we talk about Social Security, Medicare, and Medicaid—well, we just don't talk about it. There is no place in which we can actually sit down in a committee assigned specifically for Social Security, a committee assigned specifically for Medicare, or one for Medicaid. Why is it that, in States like South Dakota, where we have the South Dakota Retirement System—a retirement system which is one of the best funded and best run in the entire United States, and it has been there since the 1970s—it gets looked at every single year. Yet,

as to Social Security, which is such a huge and important part of a lot of people's lives in the United States, we are afraid to touch. It is not a matter of cutting it. It is a matter of managing and making it more efficient and delivering the services and actually keeping it up to date—revenues and expenses—so that the people a generation from now can count on it being there.

It is irresponsible for us to sit back here and to say that we are going to balance our budgets this year and make a commitment without looking at all of the programs that are out there because we simply can't balance a budget. We can't take care of those programs—Social Security, Medicare, or Medicaid—unless we actively participate in managing them and in making good decisions. Again, the buy-in from the public is that what we are trying to do is to make it better for them long term and that we have their best interests at heart.

With that, I say thank you. I think this is a critically important thing for all of us. Last year, we did an omnibus bill at the end of the year, and a group of us got together and said no more. In our freshmen bear den, as we call it, we said: It is time we have a meeting with our leadership. I cannot tell you how pleased I was with the reception that we received from our leadership, who said: Look, we agree. You guys work together and put this through. I give Senator PERDUE huge accolades for actually doing the hard work to get this done. This is important to our country, and this is one way in which we can begin to build credibility once again with the citizens of our Nation. I thank the Senator for the work he is doing, and I certainly look forward to working with our colleagues to fix a broken budget system—not only in the Senate but in Congress—and to get on with actually sending back to the American people on a regular basis a budget they believe in and they can count on.

With that, I yield the floor.

Mr. PERDUE. I thank Senator ROUNDS for his comments. I appreciate his leadership as an ex-Governor in this body.

I note that Senator SULLIVAN from Alaska is here, and he has been very outspoken about this since he got here last year—another freshman Member. I look forward to Senator SULLIVAN's comments.

Mr. SULLIVAN. Mr. President, I thank Senator PERDUE for his leadership on this important colloquy.

As some of us have seen down here, as Senator ROUNDS mentioned, there are a lot of Members of the Senate who are very concerned. But what we are seeing here are a lot of the new Members—12 new Republican freshmen. It is good to see the Presiding Officer, who is one of them. We are very concerned about this. We were concerned because a lot of us ran for office—a lot of us for the first time—because we saw what was going on with this budget process. With all due respect to my colleagues

on the other side of the aisle, they didn't even attempt to pass a budget for a number of years. They didn't even try.

Think about that. You are back home, in a State government such as Senator ROUNDS was talking about or in a household or a business, and you are not even going to try to pass a budget. That was what was going on in the Senate—remarkable. So what we are trying to do is to fix that.

The first thing we did—and Senator ENZI was on the floor a little bit ago—is we came here and we passed a budget. It hadn't happened in years. We passed a budget resolution. That was an important start. Then we started to pass appropriations bills. As a matter of fact, this year, to the majority leader's credit, we started working on appropriations bills at an earlier time than at any time in decades. We got 12 appropriations bills passed out of the Appropriations Committee. Then what happened? We tried to start bringing them to the floor to vote on them, to move them. The vast majority of those bills—all of which were very bipartisan—were filibustered by the minority leader of the Senate.

Again, I am new here. I still don't understand why they did that. A lot of us who came down to the floor were really upset when the minority leader of the Senate filibustered the Defense appropriations bill—the bill that funds our troops—six times in the last year and a half—six times. That is a disgrace, in my view.

So what are we doing here? More delay. More delay. We just got through a continuing resolution, which is not how to run the government, and they were looking at opportunities for more delay. For example, at the very end of this discussion, there was the idea of maybe adding additional funds for Flint, MI. Well, nobody cares about clean water as much as I do. My State has huge challenges with communities that not just have aging infrastructure, like Flint, MI, but no infrastructure. I have over 30 communities in the great State of Alaska that don't have clean water and sewer and don't have flush toilets—Americans—if you can believe that. So I certainly wanted to focus on that. That is what we did in the regular order through the EPW Committee with the WRDA bill—for Flint, MI, the State of Alaska, and other communities that have challenges with clean water. We are going to address those through the regular order.

That is what Senator PERDUE is leading on right now in the Senate—the regular order and getting back to a budget process that can handle the enormous challenges that we have heard about on the floor here—\$20 trillion in debt and exploding deficit. That is what we need to do, and I commend Senator PERDUE for his leadership. What he did is something that takes a lot of courage here—a whiteboard approach. We just need to look at everything anew. With his leadership and his



experience, a number of us lead by Senator PERDUE have been working on this for months. This is what we need to do to finally get ahold of these enormous budget challenges.

I encourage all of my colleagues—Republicans and Democrats—to join in this process, to bring their ideas to fix what is clearly, clearly a broken process that is not helping our Nation, that is driving up the deficit, that is saddling the next generation with trillions of dollars of debt. We have the beginning of a way to start fixing this.

Again, I thank Senator PERDUE and Senator DAINES for their hard work on this. I am certainly going to be part of their important efforts as we look to put our country on a fiscal path of sustainable economic growth and budgets, which we are not on right now.

Mr. PERDUE. Mr. President, Senator SULLIVAN is a warrior. I am glad to be here with him. It gives me hope that we are going to persevere and get this done.

Now to help us close this out, we have our good friend from Montana, Senator DAINES, who has real world experience—both as a consultant but also starting and running a high-tech company. He understands what profit is about, but, more importantly, he understands what meeting needs is about. I am so glad that he can help us close this out. I have a few remaining comments when he finishes, but I thank Senator DAINES for being here.

Mr. DAINES. Mr. President, I thank Senator PERDUE for his leadership.

What an honor it is to be down here on the Senate floor surrounded by freshmen—the freshmen Republican class. We have the Presiding Officer, Freshman CORY GARDNER from Colorado; Lt. Col. DAN SULLIVAN, U.S. Marines, from Alaska; and DAVID PERDUE, who was the CEO of a company before he came to the Senate. We have LTC JONI ERNST from Iowa. I am proud to serve with Joni here and thankful for her service to the country, both in the military and now in the Senate. There are others. MIKE ROUNDS is a former Governor from South Dakota who had to balance his budget there or he would lose his job.

As Senator PERDUE mentioned, when I first came to Washington, I did come equipped with a skill that was familiar to Montanans, like hunting and fishing are, and that is how to balance a budget. Before I came here, I spent 28 years in the private sector, 13 years with Proctor & Gamble and then 12 years with a startup company, and in between that, 3 years in our family construction business. I know what it takes to make a payroll. I know what it takes to make a family's household budget work. Yet balancing the budget is a skill this body has not embraced for nearly 20 years. As Senator PERDUE mentioned, four times out of 42 years has this process worked. That is broken.

Think about this. It is September 28. On Saturday, it is October 1, the begin-

ning of the next fiscal year of the U.S. Federal Government, on which we will spend about \$4 trillion this next fiscal year. We begin the next fiscal year in 2 days without a budget.

We were all here last year at this same point in time—the last week of the fiscal year, the last week of September—and we moved into this fiscal year without a budget. It is no wonder that we are \$20 trillion in debt when you don't have a budget.

There is an old saying in business: If you aim at something, you will hit it. We do not have a budget here, and that has created \$20 trillion in debt.

When the Congressional Budget Office issued its August 2016 report last month, it shared that this year's projected budget deficit now has increased from an already staggering \$439 billion in a January report. They have raised it now to \$590 billion—an increase of 34 percent.

If I were running a business, I could not get away with this. I would be out of business. Serving on a board of a publicly traded company, we would be firing the CEO and we would be firing the board with results like this.

Here is something to think about. Deficit spending is nothing short of age discrimination because this excessive spending is at the cost of our children and grandchildren. That is what we are passing down. We are racking up the credit card debt, figuratively speaking, and passing it on to our kids. The American people are asking themselves: Why aren't the people they have elected able to ensure the future for our children? How can balancing the budget be so difficult?

Being here for 2 years in the Senate, I have come to realize that the biggest hurdles to balancing the budget are the very rules, the very process that guides this institution. They are broken. Unless we fix the process with the leadership of Senator PERDUE, who is getting out in front of this issue—unless we fix that—we will continue to repeat the growing deficits because this process is yielding the results it was designed to deliver. It is unacceptable. It must change.

We are now approaching \$20 trillion, which is 105 percent of GDP. The first bill I introduced when I came to Congress—in fact, I walked down to the Chamber, laid the bill on the desk of the clerk—was called the Balanced Budget Accountability Act. It said simply this: If Members don't balance the budget, they shouldn't get paid.

Let's bring some real-world accountability to this institution. Let's put the pain on the Members of Congress instead of the American people. I thought perhaps if our pay was on the line, it would force us to be held accountable to not only balance the budget but get on track to long-term responsible spending.

If we do nothing, we know what will happen. We will be right back here—mark it on your calendars—the last week of September, and we will be here

debating a CR, pushing it into December with some big omnibus vote. It will happen again, guaranteed, unless we change this process and change the people who serve in this institution. We need action, we need accountability, and we need it now.

In conclusion, I will say this. I have one distinction, perhaps; that is, I am the only chemical engineer who serves in the U.S. House or the U.S. Senate. When you are trained as an engineer, you are trained to take a look at a problem and identify a solution. We have a solution with Senator PERDUE's leadership. You see, the freshmen Members of the Republican class of 2014 came here not to accept the status quo but to reject it and to change the way this country operates; truly, to save the future of our kids and our grandkids.

I look forward to working with my colleagues to reform the budget process. Let's get this country back on the right track.

I say to Senator PERDUE, it is an honor to serve with you. Thanks for getting in front of this very important issue.

Mr. PERDUE. Mr. President, I say thank you to Senator DAINES. His leadership means the world here. With that, I have hope we are going to get there.

In light of the time and the hour and the other business that is before this Senate body tonight, I will abridge my closing comments. I want to say this. There is a four-letter word missing in Washington today—H-O-P-E. People sent this class, 12 members of the Republican caucus—that is almost 25 percent of our caucus—are freshmen this year. We ran on this topic, as you heard several Members say, but we had the chairman of the Budget Committee here. We had the chairman of Foreign Relations here.

These people are very concerned about this topic. We are not just complaining about the status quo. Again, we are not complaining about the other side. There are no innocent parties when it comes to this debt crisis. If you look at the last 75, 80 years, this country has lived and benefited from the greatest economic boom in the history of mankind. Yet here we are today, \$20 trillion of debt, over \$100 trillion of future commitments already made by this Federal Government. It is basically \$1 million for every family in America.

We don't need to talk about the need anymore. What we need to talk about is what do we do. That is what we came up here for. We need to focus on results. This is what we are proposing. We put it in language now. We are moving to put it into a bill on the floor. We have Democratic input.

Again, let me say this. The goal is not to solve the debt crisis. That is the need. The goal in this process is to create a politically neutral platform where both sides—whether they are in the majority or the minority—can

make their points during a budget process, move to an appropriations process, and get the government funded every year without all this drama. That is what the people of America want.

It will protect our military. It will protect our national security. It will let us take care of the domestic needs we need, and it will let us invest in our infrastructure to get this economy going again. Without this exercise, we will not start down the path that may take 30 or 40 years to bring this debt under control. It is that large.

Let me emphasize one more thing. If this debt is not addressed soon, the rising interest rates that we all know are coming—we are living in a false world today of zero interest rates. If we just get back to our 30-year average of about 5 percent, we will be paying \$1 trillion in interest. That is not possible. It simply is not workable. All things come into the conversation.

This is what is going to happen. We are going to start debating this on the floor, hopefully soon. It may run into next year. It may go to the following year. My commitment to my people at home is, we are not going to give up on this fight until we get something done about this. We proposed a couple of things.

Three guiding principles were developed by a small group of people, and it has been welcomed by a growing number of people in this body. No. 1, the budget needs to be a law. No. 2, everything we spend—all \$4 trillion of it—needs to go into the budget. They need to be debated and covered in the budget by both sides. No. 3, if we don't fund the government by the end of the fiscal year, there has to be serious consequences.

You heard one proposal tonight by Senator LANKFORD. There may be others, but we are going to put on the Senate and the House, for that matter, real consequences if we don't get the Federal Government budget done. Again, this is an exercise that we hope will be bipartisan. We want no advantage in this. We want a process that doesn't advantage either party. It gives both equal standing in the budget process, leading to a reasonable and effective funding of the Federal Government. A politically neutral platform, that is our goal.

I will close with this. If not now, when? If not us, who? I thank the forbearance of the Presiding Officer tonight. Thank you for allowing us to do this.

I yield back my time. I see we have other speakers on the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from New Mexico.

(The remarks of Mr. HEINRICH and Ms. COLLINS pertaining to the introduction of S. 3458 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Ohio.

# UNANIMOUS CONSENT REQUEST— S. 2253

Mr. BROWN. Mr. President, too often this body talks about supporting our veterans while doing far too little to pass critical legislation that would actually help them.

The Senate Committee on Veterans' Affairs, of which I am a member—and I am joined by my colleague on that committee, Senator TILLIS, with whom I have worked on a number of issues in our time together in the Senate. Chairman ISAKSON and Ranking Member BLUMENTHAL have had in this committee perhaps the best cooperation of any standing committee in the Senate. And we continue to work to address challenges facing veterans and the Veterans' Administration.

Through hearings and legislative markups, we have listened and learned from veterans. As a result, we have worked together across the aisle to produce legislation that reflects the needs of those who served our country. It is a minimum we ought to be doing, and I think we are generally doing that pretty well.

One result of our efforts has been the bipartisan Veterans First Act. It is a good bill that comprehensively addresses a host of issues facing veterans, including education benefits, homelessness, health care, and VA accountability. As we see too often, even commonsense legislation like Vets First can't make its way to the floor. Our inability to act on this doesn't mean we shouldn't try to address specific issues that have bipartisan support.

One of those issues which I hope we can agree on is the need to provide relief to veterans who, through no fault of their own, were—there is no other way to say it—bilked by the for-profit school ITT. Veterans and other students were betrayed and bilked, and taxpayers were fleeced. Veterans who were attending ITT at the time of its closure lost the GI bill or VA benefits used to pay for their education. Meanwhile, all other students who were enrolled at ITT were eligible to have their Federal student loans discharged. So if you are not a veteran and you had Federal student loans, you could get those loans discharged. If you are a veteran under the GI bill or VA benefits, you couldn't. It wasn't anybody's intent to do that, but that is what the law says.

I know Senator ISAKSON, the chairman—and we are joined by Senator CARPER on the floor as well—he is interested in this. I also know that Senator TILLIS has cosponsored my bill to actually fix this. This is something we need to do. We are not the only ones who believe action needs to be taken. Governor Mike Pence, the Governor of the State next door to mine, Indiana, who is the Republican nominee for Vice President, supports this.

The closure of ITT was the fault of the management of that school, who spent a lot of money on marketing and a lot of money on helping students get

financing but not much money on education and even less on job placement for their students. The closure of ITT was not the fault of the veterans, for sure, not the fault of the students, but now veterans are worried about being able to pay their rent and pursue their education, which is what this legislation is going to allow them to do. In my State of Ohio, 520 veterans have been impacted by ITT's closure.

There are some questions of finding a way to pay for this legislation, but I believe finding a pay-for is a red herring. We are simply giving the VA the authority to provide relief to veterans. No one is running around trying to find a pay-for for the Federal student loans that are going to be discharged. So we are saying we are just going to do the discharge on the nonveteran students, and we have to find a little legislative sleight-of-hand pay-for to take care of the veterans. That just doesn't make sense. Why should veterans be treated differently or worse than nonveteran students? All we are looking to do is to make sure veterans are treated like all other students who attended an institution like ITT or Corinthian, another scam institution that shut down.

Veterans were promised GI benefits when they signed up to serve our country. ITT has cheated them out of the quality education they earned. If we fail to act today before leaving town, we abandon the responsibility to our Nation's heroes.

Mr. President, I ask unanimous consent that the Senate Veterans' Affairs Committee be discharged from further consideration of S. 2253 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from North Carolina.

Mr. TILLIS. Mr. President, reserving the right to object, my colleague from Ohio and I have worked on a number of different measures on the Veterans' Affairs Committee, and I hope to continue to work with him.

I wish to talk a little bit about the process here. It may seem odd, on a bill on which I am one of the lead Republican sponsors, to come to the floor and object to the UC, but let's talk about structurally what is going on here. We said that the only reason there is a problem is there is no pay-for. In other words, we are trying to pass a policy that we haven't taken the time to make a decision about how to pay for it. We can say that we are authorizing the VA to pay for it, but what are they going to do? We haven't provided them with any funds to do it, so what potentially suffers as a result? That is one piece.

We just heard a number of speeches here with Republican freshmen and a couple of veteran Members on the floor talking about being responsible in the

budgeting process and actually living within our means and paying for things. Now I am in the uncomfortable position of having to object, potentially—reserving my right to object—to a measure that includes policy that I fundamentally support. What I don't want to do, though, is send something half-baked to the House and pretend that somehow it is going to be taken up before we get back from the recess. It won't be. As a matter of fact, if we don't do our job here, it will probably not move in the House.

So why not work with Senator ISAKSON, who has done a remarkable job of trying to work with the veterans service organizations that have a concern with the direction we were going with the pay-fors, to find a legitimate way to pay for this policy before we send it to the House and make it more likely that before we get out at the end of the year, this bill will be passed? This is just about being responsible and doing both parts of our jobs—coming up with good policy and then coming up with a way to pay for it.

So for those reasons, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio.

Mr. BROWN. Mr. President, I thank Senator TILLIS, and I understand his view on this issue. I appreciate the position of Senator TILLIS, my colleague on the Veterans' Affairs Committee. I just fundamentally say that, first of all, we shouldn't leave town. We should finish our work. We should confirm the Supreme Court nominee or at least have hearings. We should finish our work that we haven't done this year. We have been in session less this year than any Senate in the last 60 years. I know Senator MCCONNELL wants to send his Members home so they can campaign for reelection and spend their Koch brothers money that they have benefited from.

More than that, what I don't get here is—we are only giving the VA the authority to provide relief for these veterans. We are treating veterans worse than other students at ITT or Corinthian. So if you were at ITT and you found out 3 weeks ago that that school was closing—2, 3 weeks ago, something like that—and you are a veteran and you have a friend who is a nonveteran, the nonveteran gets their loans discharged, and you as the veteran don't with your GI benefits, because they had Federal student loans and you had GI benefits. It is just not fair to them.

I don't think we should ever leave this place having treated a veteran worse than a nonveteran in the exact same situation. So I don't really understand the opposition. I hope we can re-engage and figure this out and take care of these 500 or so Ohioans who served their country well.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I support Senator SHERROD BROWN's unanimous consent request that the Senate adopt the Veterans Education Relief

and Restoration Act, S. 2253, to support veterans who were harmed by the closure of ITT Tech.

ITT Tech's predatory practices led to its sudden closure early this month, leaving tens of thousands of students in the lurch. Many veterans using GI bill benefits at ITT Tech have been particularly affected by this company's practices and now its closure and bankruptcy.

ITT Tech has for years been a major recipient of GI bill benefits. According to a 2014 report by Senator TOM HARKIN's HELP Committee, ITT Tech was the third largest recipient in 2012-13, receiving \$161 million in GI bill funds. When it closed earlier this month, an estimated 7,000 veterans were enrolled at ITT Tech.

Not only have these veterans used up part or in some cases all of their limited GI bill education benefits, some of them relied on VA housing assistance to pay their rent and afford a place to live for themselves and their families. Veterans can only receive this housing stipend if they are enrolled in a school that qualifies for GI bill benefits, so the closure of ITT Tech has put them at risk of being unable to afford their current housing and further disrupting their lives.

I support the bipartisan Veterans Education Relief and Restoration Act, or VERRA, introduced by Senators BLUMENTHAL and TILLIS, to reinstate GI bill education benefits in certain cases and to give the Secretary of Veterans Affairs the authority to temporarily extend housing benefits to veterans, including those who attended ITT Tech, who find their education interrupted by a sudden closure of a school.

The closure of ITT Tech makes the need to pass VERRA an emergency for so many veterans across the country. This is a commonsense bill—it's bipartisan—and it's time sensitive.

I urge Republicans not to block this effort to extend this modest and much-needed relief to our veterans who have been put in this terrible position by ITT Tech.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I stand before my colleagues this evening as a veteran of the Vietnam War who returned to this country after a third tour in Southeast Asia. I moved from California to Delaware and enrolled there at the University of Delaware in their business school, in their MBA program. I was fortunate enough, along with many other Vietnam-era veterans, to receive a GI bill benefit; it was about \$250 a month. College tuition was a lot less in those days. I was happy to have every penny of it. But today we offer a GI bill benefit that is far more robust and far more needed than it was when I came back from Southeast Asia.

Today, veterans return often throughout the course of the year in Delaware. The Governor and our con-

gressional delegation—Senator COONS, Congressman CARNEY, and I—will either send National Guard men and women off to deployments around the world or we might welcome them home. Whenever we welcome them home, I say to the returning National Guard men and women, the Army Guard and Air Guard: Welcome home to the best GI bill benefits in the history of the country.

If they want to go to the University of Delaware, tuition is paid for; at Delaware State University or Delaware Community College, tuition is paid for. If they need books—they probably do—they are paid for, and fees are paid for. If they need tutoring, it is paid for, and they also receive roughly a \$1,500-a-month housing allowance. That is a great benefit, and folks who go to those schools generally get a very good education, and they get a lot of help in job placement after they have completed their education. That is not always the case in some of our for-profit colleges and universities. Some of them do a good job; some of them don't.

One of them that hasn't done a good job is called ITT Tech. We heard it talked about this evening on the Senate floor. There were about 7,000 veterans using the Post-9/11 GI bill benefits that ITT Tech took from them when the school suddenly collapsed earlier this month. This provided \$22,000 a year in educational assistance to private nonprofit and private for-profit colleges. The Post-9/11 GI bill provides a housing allowance that our veterans depend on to support their families while they attend class.

When ITT Tech closed its doors, it also meant that this housing allowance came to an abrupt halt. I urged the Department of Veterans Affairs to work closely with the Department of Education to ensure that ITT Tech student veterans had the same resources and guidance they need to transfer and continue their education at high quality institutions of learning. But some veterans will not be able to transfer to another school this month or next month. We want them to make smart decisions about their educational future. That is why passing this bipartisan bill or some similar bipartisan bill to restore lost educational benefits and temporarily—underline temporarily—extend the housing allowance for students who attend schools like ITT Tech that suddenly close is so critical to our Nation's veterans and their families.

We want to make sure that the student veterans have enough time—not an endless period, but enough time—to decide whether it is best to transfer to another school, to discharge their student loans, or start over at another school, such as a community college. This legislation is really about making sure the veterans continue to receive benefits they have earned in service to our country.

Our Nation's veterans did not cause ITT Tech to collapse. Our Nation's veterans and our Nation's taxpayers deserve better than they have received at

the hands of ITT Tech. The least we can do is provide some very modest relief during this tough period of transition. I think passing this bill or something similar to this legislation is the least we can do.

My hope is that after we return from the recess after the election we can start talking across the aisle about more help to our student veterans and folks on the Post-9/11 GI bill. It is ironic that folks who are not veterans but recipients of Federal aid for education are in a similar situation, and they essentially would be made whole, but that is not the case with our veterans. I am not comfortable with that situation, and I suspect a lot of my colleagues are not either.

I will close this part of my remarks. I think most of us ascribe to the Golden Rule—treat other people the way you want to be treated. I have been a veteran myself. I got a great education, graduate school at the University of Delaware, but I know how I would want to be treated if I were in the shoes of these thousands of veterans who have been mistreated at the hands of ITT Tech. We need to do something about it, and I hope that when we return, we will.

#### TRIBUTE TO FEDERAL EMPLOYEES

JUSTO "TITO" HERNANDEZ AND MELISSA  
FORBES

Mr. CARPER. Mr. President, as some of my colleagues know, nearly every month for more than 1 year now, I have come to the Senate floor regularly to highlight the diverse and difficult work performed by the men and women at the Department of Homeland Security. I have been privileged to be at times in recent years the chairman of the Senate Committee on Homeland Security and Governmental Affairs and today serve as the senior Democrat, the ranking member of that committee.

The Department of Homeland Security is part of the government that we have direct jurisdiction over, and it is one that I have had a great privilege to work with and have had an opportunity to oversee the operation of that Department. The Department of Homeland Security has more than 230,000 employees stationed around our country at our ports of entry, major transit hubs, and in major cities and small communities alike. Each day the Department of Homeland Security performs some of the most challenging jobs in the Federal Government. From securing radiological material to protecting our cyber networks to responding to natural disasters such as floods, fires, and tornadoes, the Department of Homeland Security employees work around-the-clock to stay ahead of threats to our communities, our homes, and our families.

I commend Secretary Jeh Johnson, Deputy Secretary Mayorkas, and their entire leadership team for their continued efforts to bring the entire depart-

ment together and make the Department of Homeland Security more than just the sum of its parts.

Last week, the 2016 Federal Employee Viewpoint survey was released with some good news. The annual survey is provided to hundreds of thousands of Federal employees every year to gauge their satisfaction with their jobs and their engagement with their agency as a whole. After 6 years of declining morale numbers, the tide has begun to turn at the Department of Homeland Security. That is a good thing. Since last year, morale has increased throughout the Department by some 3 percent. I think that is probably more than any other Department in the Federal Government—over the last year, a significant one-year improvement and a better result than the Federal Government average over the same period.

Like turning an aircraft carrier, improving morale over a large Federal agency takes time. You can turn an aircraft carrier's course, but it takes a little while, and so does changing and improving the morale of a department with a quarter of a million people spread out all over the world. I believe this latest survey shows that the hard work done by Secretary Johnson and Deputy Secretary Mayorkas and their team has begun to put this ship on a better course for the future.

While more work needs to be done to improve morale at the Department of Homeland Security, this effort does not fall on Secretary Johnson alone. Each Member of Congress and every American can help support the Department and its employees by simply acknowledging the good work that the employees do there every day. Whether we simply say thank you to a TSA agent or TSO officer the next time we pass through an airport or give an occasional speech on the Senate floor as I am doing tonight and have done on other occasions, our support makes a difference.

Mr. President, each September, the Federal Emergency Management Agency, which we affectionately call FEMA, marks National Preparedness Month. Throughout the month, FEMA encourages all Americans to prepare for natural disasters and emergencies. To continue highlighting National Preparedness Month and to continue to highlight the important work done by FEMA and its people, I want to take a moment tonight to thank just a few of the employees of FEMA, one of the 22 component agencies all told that make up the Department of Homeland Security.

As my colleagues may know, just last month, historic flooding inundated much of the State of Louisiana. What some may not know is that even before the floodwaters had peaked, FEMA employees and personnel were on the ground there. They were setting up Incident Support Bases to provide supplies, coordinating with State and local officials, and supporting first respond-

ers in rescue efforts. FEMA also set up Disaster Recovery Centers to assist residents seeking Federal aid to get back on their feet in the aftermath of the storms.

One of the first FEMA employees on the ground there more than a month ago was Justo Hernandez, and Justo's picture is right here. Justo goes by the nickname Tito and is a Team Leader of the East II National Incident Management Assistance Team. With 28 years' experience with FEMA, Tito leads his team in immediate response efforts to natural and manmade disasters whenever and wherever they occur.

Ready at a moment's notice, Tito and his team are experts in disaster response, specializing in operations, logistics, planning, and recovery. They put their experience to use by supporting State and local officials as they work through the most trying of situations.

Members of Tito's team say that he is by far the best manager and supervisor they have ever worked for. As a leader, Tito leads by example, not afraid to get his hands dirty and never turning down a task, large or small. With their team expected to be deployed nearly 9 months out of the year, Tito has a deep respect for his team members' personal time.

When Tito does get some time back at home, I know he enjoys spending every moment with his wife and three children. His family is incredibly generous, and we are grateful to them for lending our Nation their husband and father so he may undertake this important work in many parts of America on behalf of all Americans.

As a FEMA employee, Tito embodies the spirit of dedication and caring, shaking hands with each individual he comes into contact with, asking them, "How are you doing?" As with most of the men and women at FEMA, Tito doesn't stop there. He does all he can do to help people.

Last month, I visited FEMA headquarters here in Washington, DC. I met a number of the thousands of dedicated employees who work there. This is a picture from FEMA. These are some of the exceptional people who help us in some of our darkest hours. While many of these men and women were not directly involved in the response effort in Louisiana, they felt obligated to do all they could for their colleagues who were on the ground in Louisiana or coordinating from around the country. In fact, FEMA headquarters established a backup call center in their offices, and dozens of FEMA employees volunteered—during or after their regular working hours—to man the phones and talk to people through some of the toughest situations imaginable.

One FEMA employee who asked how she could help is Melissa Forbes. Melissa has a Ph.D. in public policy and serves as Director of Enterprise Resource Planning in FEMA's Office of Policy and Program Analysis. Melissa's day job is to ensure that FEMA has the

resources needed for the challenges it expects to face in the months and years ahead.

For 27 hours over the course of 5 days—that is more than five hours each day—Melissa put her regular work on hold and came to the call center. In those 27 hours, Melissa took countless calls, answering questions and connecting people with her colleagues at FEMA who could get them immediate help.

In the Navy, when someone does a truly remarkable job, we say these words: “Bravo Zulu.” So, to Melissa and to all who worked and volunteered at FEMA headquarters, I would say a great big “Bravo Zulu.”

As I mentioned earlier, FEMA is made up of thousands of men and women who ask every day: How are you? How are you doing? How can we help? While Tito, his team, and others from FEMA were on the ground in Louisiana, Melissa felt compelled to do all she could do to support them.

More than a year ago, Secretary Johnson launched his Unity of Effort initiative to bring the Department of Homeland Security employees closer together in their shared mission. Last month, Melissa and Tito were reunited from a thousand miles away in their efforts to help the people of Louisiana.

Every month I come to the Senate floor and highlight the amazing dedication of two or three people, in some cases entire teams of men and women who are united in their shared goal of keeping Americans safe.

In closing, let me say that I don't think the results from this year's Federal Employee Viewpoint Survey are a fluke. I believe the improvement in morale that has been reported by the thousands of employees at the Department of Homeland Security represents the growing unity within the Department of Homeland Security, the youngest and third largest Cabinet Department in the Federal Government.

I, for one, look forward to next year's viewpoint survey, as well as those in the years to come, because I believe they will continue to put on display an ever more united and effective department. So to Tito, to the East II team, to Melissa and the volunteers at FEMA headquarters, as well as to everyone at FEMA, we say a great big thank you. Thank you for coming together, not only by asking “How are you doing?” but by going to work to make things better for all of us. Keep up the great work that you are doing, and God bless you.

I have been joined on the floor by the majority leader.

Before I yield the floor, let me say to another person who has joined us, my colleague from New Hampshire, who is the ranking member Democrat on the Appropriations Subcommittee for Homeland Security that she and the chairman, former Governor HOEVEN, Senator HOEVEN now, do a wonderful job that is important to Homeland Security. On behalf of Melissa and Tito

and all the hundreds of thousands of people who work with them in Homeland Security, thank you for being there for them.

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE SESSION

#### TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

#### THE CONVENTION ON THE LAW APPLICABLE TO CERTAIN RIGHTS IN RESPECT OF SECURITIES HELD WITH AN INTERMEDIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar en bloc: Nos. 9 and 10; I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the RECORD; further, that each treaty be voted on en bloc but considered voted on individually; that the motions to reconsider be laid upon the table; that the President be notified of the Senate's action; and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The treaties will be stated.

The legislative clerk read as follows:

Treaty document No. 110-19, Treaty on Plant Genetic Resources for Food and Agriculture.

Treaty document No. 112-6, The Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary.

Mr. MCCONNELL. Mr. President, I ask for a division vote on the resolutions of ratification en bloc.

The PRESIDING OFFICER. A division vote has been requested.

On treaty document No. 110-19, Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

*Resolved, (two-thirds of the Senators present concurring therein),*

#### SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO AN UNDERSTANDING AND A DECLARATION.

The Senate advises and consents to the ratification of the International Treaty on

Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States of America on November 1, 2002 (the “Treaty”) (Treaty Doc. 110-19), subject to the understanding of section 2 and the declaration of section 3.

#### SEC. 2. UNDERSTANDING.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification: The United States of America understands that Article 12.3d shall not be construed in a manner that diminishes the availability or exercise of intellectual property rights under national laws.

#### SEC. 3. DECLARATION.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is not self-executing.

The PRESIDING OFFICER. On treaty document No. 112-6, Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

*Resolved, (two-thirds of the Senators present concurring therein),*

#### SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A DECLARATION.

The Senate advises and consents to the ratification of the Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary, done at The Hague on July 5, 2006, and signed by the United States on that same day (the “Convention”) (Treaty Doc. 112-6), subject to the declaration of section 2.

#### SEC. 2. DECLARATION.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Convention is self-executing.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4511

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m., on Tuesday, November 15, the Rules Committee be discharged from further consideration of H.R. 4511 and the Senate proceed to its immediate consideration; I further ask that there then be 30 minutes of debate equally divided in the usual form, and that following the use or yielding back of time, the bill be read a third time and the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar Nos. 720 through 727 and all nominations on the Secretary's desk; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

Col. Kenneth P. Ekman

*To be major general*

Brig. Gen. Jon T. Thomas

## IN THE ARMY

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Alfred F. Abramson, III  
Col. Peter B. Andrysiak, Jr.  
Col. Robert W. Bennett, Jr.  
Col. Jonathan P. Braga  
Col. John W. Brennan, Jr.  
Col. David E. Brigham  
Col. Miguel A. Correa  
Col. Clement S. Coward, Jr.  
Col. Patrick J. Donahoe  
Col. Christopher T. Donahue  
Col. Robert L. Edmonson, II  
Col. Scott L. Efflandt  
Col. David J. Francis  
Col. Paul H. Fredenburgh  
Col. David M. Hamilton  
Col. Neil S. Hersey  
Col. Lonnie G. Hibbard  
Col. Johnnie L. Johnson, Jr.  
Col. Omar J. Jones, IV  
Col. Mark H. Landes  
Col. David A. Lesperance  
Col. Stephen J. Maranian  
Col. Douglas M. McBride, Jr.  
Col. Matthew W. McFarlane  
Col. Stephen L. Michael  
Col. Christopher O. Mohan  
Col. Laura A. Potter  
Col. Anthony W. Potts  
Col. Robert A. Rasch, Jr.  
Col. Kenneth T. Royar  
Col. Douglas A. Sims, II  
Col. Stephen G. Smith  
Col. John C. Ulrich  
Col. Robert F. Whittle, Jr.  
Col. David Wilson

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the

grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. John E. Hyten

## IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Christopher W. Grady

## [NEW REPORTS]

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. John F. Thompson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Robert D. McMurry, Jr.

## IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Reynold N. Hoover

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN1768 AIR FORCE nomination of Scott E. Williams, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1769 AIR FORCE nomination of John D. Cinnamon, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1770 AIR FORCE nomination of Alfred G. Traylor, II, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1771 AIR FORCE nomination of Mark C. Anarumo, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1772 AIR FORCE nomination of Steven C. M. Hasstedt, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

## IN THE ARMY

PN1773 ARMY nomination of Karl E. Nell, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1774 ARMY nomination of Todd D. Wolford, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1775 ARMY nomination of Lance L. Jelks, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1776 ARMY nomination of Matthew A. Levine, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1777 ARMY nomination of Daniel J. Donovan, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1778 ARMY nomination of Donna A. McDermott, which was received by the Senate and appeared in the Congressional Record of September 22, 2016.

## IN THE FOREIGN SERVICE

PN1642-2 FOREIGN SERVICE nominations (188) beginning Diana Isabel Acosta, and ending Elisa Joelle Zogbi, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2016.

PN1643-2 FOREIGN SERVICE nominations (4) beginning Jennisa Paredes, and ending Jamoral Twine, which nominations were received by the Senate and appeared in the Congressional Record of July 13, 2016.

PN1704-2 FOREIGN SERVICE nominations (99) beginning Jorge A. Abudei, and ending Deborah Kay Jones, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2016.

PN1705 FOREIGN SERVICE nominations (161) beginning John Robert Adams, and ending David M. Zwick, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2016.

## IN THE NAVY

PN1700 NAVY nomination of Thomas M. Hearty, which was received by the Senate and appeared in the Congressional Record of September 6, 2016.

PN1779 NAVY nominations (40) beginning JORDAN M. ADLER, and ending RICHARD C. WONG, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1780 NAVY nominations (59) beginning JOHN A. ALLEN, and ending TIMBERON C. VANZANT, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1781 NAVY nominations (23) beginning CHRISTOPHER D. AYALA, and ending ANDREW S. WEST, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1782 NAVY nominations (13) beginning FRANCIS B. CARNABY, and ending REBECCA I. SUMMERS, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1783 NAVY nominations (14) beginning BENJAMIN R. ADDISON, and ending RUSSELL P. WOLFKEIL, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1784 NAVY nominations (27) beginning JOSHUA C. ALCAZAR, and ending JUI I. YANG, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1785 NAVY nominations (4) beginning SILAS O. CARPENTER, and ending CHRISTOPHER E. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1786 NAVY nominations (17) beginning GALO A. CAVALCANTI, and ending AUDRA M. VANCE, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1787 NAVY nominations (902) beginning CHRISTOPHER T. ABPLANALP, and ending RYAN E. ZYVITH, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1788 NAVY nominations (42) beginning STEVEN M. ARBOGAST, and ending JOSEPH M. STARK, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

PN1789 NAVY nominations (154) beginning DORIAN R. ACKER, and ending JASON YORK, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.



PN1790 NAVY nominations (65) beginning MICHAEL A. AMMENDOLA, and ending MICHAEL B. ZIMET, which nominations were received by the Senate and appeared in the Congressional Record of September 22, 2016.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of Calendar Nos. 728 through 734.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Rena Bitter, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic; Sung Y. Kim, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines; Andrew Robert Young, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso; W. Stuart Symington, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria; Joseph R. Donovan Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia; Christopher Coons, of Delaware, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations; and Ronald H. Johnson, of Wisconsin, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc without intervening action or debate; that, if confirmed, the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session without any intervening action or debate.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Bitter, Kim, Young, Symington, Donovan, Coons, and Johnson nominations en bloc?

The nominations were confirmed en bloc.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### MAKING A CORRECTION IN THE ENROLLMENT OF H.R. 5325

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 5325.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 53) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

### EXPRESSING SUPPORT FOR DESIGNATION OF THE WEEK OF OCTOBER 9, 2016, THROUGH OCTOBER 15, 2016, AS "EARTH SCIENCE WEEK"

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 562.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 562) expressing support for designation of the week of October 9, 2016, through October 15, 2016, as "Earth Science Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 562) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 15, 2016, under "Submitted Resolutions.")

### RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 585, S. Res. 586, S. Res. 587, and S. Res. 588.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles, where applicable, be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles where applicable, were agreed to.

(The resolutions, with their preambles, where applicable, are printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Florida.

### ZIKA VIRUS FUNDING

Mr. NELSON. Mr. President, I express my appreciation to the Senate that in the funding bill it includes the money for Zika, \$1.1 billion that has been so desperately needed, not only assisting local governments and State governments with things such as mosquito control but also starting the trial on the Zika vaccine. The first trial is necessary. There will be a second and larger trial, and, hopefully, at the end of that, we will have a Zika vaccine.

This has gotten to the level of being quite uncomfortable. Over 2,000 pregnant women in the continental United States and our territories have the Zika virus. We know from the CDC that for up to 12 percent, it is likely there will be a birth defect.

So I want the Senate to know how much I appreciate this. In my own State of Florida, we have been so severely hit now, with 91 of our fellow citizens who are pregnant and have the virus. We say Godspeed to them and hope they will not have babies with birth defects. But now at least the cavalry has arrived and we have the money to proceed with trying to stamp out this Zika virus.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

### SURVIVORS' BILL OF RIGHTS ACT OF 2016

Mr. GRASSLEY. Mr. President, I come to the floor for the same reason Senator SHAHEEN of New Hampshire is here. I rise today to speak on the Survivors' Bill of Rights. This is a non-controversial and very bipartisan bill. It has already passed the Senate.

Amanda Nguyen is a rape victim and a survivor who has been the driving force behind this legislation. She is founder and president of an organization that goes by the acronym RISE, a

group which advocates on behalf of survivors of sexual violence. Amanda has worked hand in hand with both political parties on this bill to establish new rights for survivors of sexual violence. That is the way it should be because regardless of political party, all Members of Congress should be empowering survivors of sexual violence. However, while Republicans were ready to move forward on this bill last week, Democratic leadership has been stalling Amanda's diligent efforts.

This bill ensures that all survivors of sexual violence have equal access to all available tools in their pursuit of justice. This includes the proper collection and preservation of forensic evidence that is so vital in cases of sexual violence. This bill also guarantees these survivors a new package of rights.

As I said, this is a bipartisan bill, very noncontroversial. It has already passed this body 89 to 0.

Each day, others like Amanda will fall victim to sexual violence. The Senate should not wait one more day to help these people seek justice, so, after Senator SHAHEEN speaks, I am here now to request unanimous consent to move this bill. My understanding is that it is now OK with the Democrats to agree to the passage of this legislation.

Mr. President, I yield the floor, hopefully for the purpose of Senator SHAHEEN stating her views on this bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleague, the chair of the Judiciary Committee, as he requests a unanimous consent vote to pass the Sexual Assault Survivors' Rights Act. Passage of this bill marks a momentous day for survivors of sexual assault, and it really is a testament to the important progress we can make in Congress when we work together on a bipartisan basis to address the needs of the American people.

The Sexual Assault Survivors' Rights Act for the first time establishes a set of codified, court-enforceable rights to address unique issues faced by sexual assault survivors. It also ensures survivors the opportunity to enforce these rights in Federal court.

Last February, I introduced this legislation, but the real inspiration for the bill came many months earlier when I first met with Amanda Nguyen, a young sexual assault survivor who faced heartbreaking challenges after reporting her assault. As Senator GRASSLEY said, she was really the moving force behind this legislation.

Amanda told me about the repeated battles she fought to prevent her rape forensic kit from being destroyed, and she recounted the grueling legal process that she and other survivors have endured in order to win justice. Well, I was deeply moved by Amanda's experience, and soon after that initial meeting, I got to work with staff. We worked through multiple drafts, and

with invaluable counsel from Amanda, as well as dozens of nationally recognized experts and organizations, we produced the final bill that was introduced in February.

I thank Senators BLUMENTHAL and LEAHY for their counsel throughout the process and for serving as original cosponsors. As I said earlier, I also thank Senator GRASSLEY and Senator SCHUMER, who helped moved the bill through the Judiciary committee in April. It passed the full Senate in May. The same legislation, sponsored by Representatives WASSERMAN SCHULTZ, LAMAR SMITH, MIMI WALTERS, and ZOE LOFGREN, was unanimously passed by the House earlier this month.

Following the introduction of the bill, there was a groundswell of nationwide support for the rights set forth in this legislation, including more than 90,000 people who signed a petition urging Congress to act. Clearly the bill resonated with the American people, especially survivors of sexual assault because so many survivors feel intimidated by the legal process and they choose not to go forward. That is one reason sexual assault is among the most underreported and unpunished crimes nationwide. Nearly 70 percent of attacks go unreported. Many survivors who initially file charges become frustrated by the legal obstacle course, and they give up before their cases are resolved, or, for many of them, their cases simply slip through the cracks.

The rights set forth in this new law will apply only in Federal cases, but we know from experience that when Congress makes reforms to Federal statutes, it often serves as a model and catalyst for States to improve their own laws. The goal is to create a standardized, transparent process that reassures survivors they will be supported and protected as they pursue justice.

The Sexual Assault Survivors' Rights Act, as Senator GRASSLEY said, will establish fair procedures with regard to rape forensic kits, including the right not to be charged any fees related to the forensic medical examination; the right to have sexual assault evidence preserved for the entire statute of limitations period; the right to be informed of the results of medical exams; and the right to written notice prior to destruction of a rape kit. These and other rights are basic and essential protections that all survivors ought to have regardless of where they live.

In drafting the legislation, we wanted to make clear that by establishing these rights for survivors, without precondition we ensure that survivors' interests are legally protected, regardless of how or if they choose to move forward with an official report to police. We know that sometimes in the immediate aftermath of an attack, many survivors are not prepared to face the additional emotional challenges of confronting their attacker in the legal system. We also know that after survivors have a chance to heal, they are often more prepared to seek justice. States

around the country are recognizing this fact and extending their statute of limitations on sexual crimes.

The rights in this legislation, hand in hand with that process at the State level, ensure that even if a survivor only seeks a medical forensic exam or reports an assault anonymously, even if a survivor is not ready to immediately move forward with the criminal process, the survivor will have enforceable rights in our legal system and can be assured that evidence is preserved for the future.

I thank all my colleagues in both the Senate and the House who have come together on a bipartisan basis to create a reform process that ends the silence surrounding sexual assault, that brings it out of the shadows, and that gives survivors a fair shot at justice.

When the President signs this bill into law in the days ahead, it will send a powerful message to survivors all across the country: You do have rights. We do care about you. And if you choose to come forward, we are going to ensure a justice system that treats you with dignity and fairness.

Again, I thank all my colleagues. I know Senator GRASSLEY is going to be requesting unanimous consent that this legislation go forward. Mr. President, I would like to be recorded as present and voting yes on that unanimous consent request, and I am pleased to be able to join Senator GRASSLEY as he makes this momentous request.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank Senator SHAHEEN for her support and her detailed explanation of what the legislation does and for everything she has done to help move this legislation along.

At this time, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 5578 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5578) to establish certain rights for sexual assault survivors, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. GRASSLEY. Mr. President, I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate on the measure?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 5578) was passed.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on H.R. 5578 we take an important step forward for victims of crime by establishing key protections for survivors of sexual assault in our criminal justice system.

I was proud to work with Senator SHAHEEN on this legislation when it passed in the Senate earlier this year. Her Sexual Assault Survivors' Rights Act addresses the unique challenges faced by sexual assault survivors. This bipartisan bill received overwhelming support in the Senate. The House has acted on a companion bill, H.R. 5578, that is nearly identical to what Senator SHAHEEN championed in the Senate. Today we pass the House measure and ensure that it will become law.

In many jurisdictions across the country, survivors of sexual assault face a labyrinth of complex policies that deter them from pursuing justice. We have seen that even when survivors make the decision to come forward, sometimes evidence is not properly preserved or tested. This is not acceptable. Survivors of sexual assault should never feel abandoned by our criminal justice system.

Senator SHAHEEN's Sexual Assault Survivors' Rights Act treats survivors with the dignity and respect that they deserve. It guarantees basic rights to survivors and serves as a model for reform across our Nation. It strengthens notice requirements to ensure that survivors understand their rights, and know the status of their cases.

Senator SHAHEEN was an original co-sponsor of the Leahy-Crapo Violence Against Women Reauthorization Act, which was signed into law in 2013 and significantly increased resources for survivors of sexual assault. We are building on that progress today by passing the Sexual Assault Survivors' Rights Act, but our work is not done. I urge the House to pass my bipartisan Justice for All Reauthorization Act, which increases protections for victims of crime and provides resources to ensure key evidence is tested. The Senate passed this bill in June by voice vote, and I hope the House will act soon so that it can become law.

Today, I stand with survivors of sexual assault and with Senator SHAHEEN, whose work to protect the rights of victims is of great importance.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for such time as I may consume, and I would say it would be in the neighborhood of about 10 or 12, maybe 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### THE DEMOCRATIC LEADER

Mr. GRASSLEY. Mr. President, I very much appreciate the leadership on

the other side of the aisle in letting this survivors' bill of rights pass. I do have some comments on the procedures that have held this bill and other bills up for too long a time. I usually don't feel the need to address the Democratic leader's remarks on the floor, but he has decided to put partisan politics above rape survivors for the last week at least, so I cannot stand on the sidelines and let those remarks go unrebuted.

The Democratic leader recently said right here on the floor of the Senate that "Congress is floundering because of Republican inaction." This could not be further from the truth. If you want to know what is really going on, it is that the Democratic leader is using political gamesmanship to hold up noncontroversial as well as bipartisan legislation, mostly by Republican Members who are up for reelection this year.

Why isn't the so-called objective media reporting on this? One need look no further than earlier today when Senator JOHNSON offered a noncontroversial bill to fight ALS, a tragic disease, and the Democratic leader blocked it. Look no further than what happened last week to Senator TOOMEY's bill, a noncontroversial bill to prevent animals from cruelty and torture. The Democratic leader blocked it. Look no further than what happened earlier this week to Senator THUNE's bill, the noncontroversial MOBILE NOW Act. The Democratic leader blocked it. Look no further than what happened earlier this summer to another noncontroversial bill backed by Senator JOHNSON that would improve whistleblower protections. The Democratic leader blocked it. Look no further than what happened a few months ago to Senator AYOTTE's bill, a noncontroversial bill to make anthrax vaccines available to first responders. The Democratic leader blocked it. That same day, just a week after five police officers were killed in Dallas, I tried to pass my noncontroversial bill to assist families of fallen police officers. The Democratic leader blocked that bill as well.

Each time Republicans tried to pass noncontroversial, bipartisan legislation, the Democratic leader blocked it. He is the common denominator. I wish I could say that I am surprised by the obstruction that is being pushed by the Democratic leader. But how can I be? This is how the Senate operated under his control. Under his tenure, even Members of his own party weren't allowed to offer amendments to his legislation unless he allowed it. In fact, there was at least one Member on the other side who went a full 6-year term without ever being allowed to offer a single amendment on the Senate floor for a vote.

The Democratic leader's actions in recent weeks—blocking these other bipartisan and, let me emphasize, noncontroversial bills—is pure, unfiltered partisanship. It is election-year poli-

tics at its very worst. It is the same failed strategy American voters rejected in 2014 when they gave Republicans control of the Senate. Perhaps the Las Vegas Tribune had it right a few months ago when they wrote that for the Democratic leader, "[it's] politics first, last and always."

Today I had an opportunity to champion for Amanda Nguyen and all survivors of sexual assault across the country. I am delighted the Democratic leader relented on this very important piece of legislation and let this bill pass. I urge the Democratic leader to allow these other bipartisan initiatives to pass as well.

#### RESTRICTIONS ON UNCLASSIFIED DOCUMENTS

Mr. GRASSLEY. Mr. President, today I want to again discuss the unnecessary restrictions on unclassified documents from the FBI's investigation of Secretary Clinton.

By way of background, on September 12, I came to the floor and gave a speech about the FBI improperly restricting unclassified documents as if they were actually classified. Since that speech, the FBI Director has continued to talk about transparency, as transparency should be talked about because the public's business ought to be public, and when there is transparency, there is accountability in government.

Behind the scenes, the FBI won't provide documents to the Senate Judiciary Committee unless we agree to very strict controls and strict secrecy. The FBI doesn't want the committee or the committee staff talking about what is in these documents to anyone, not even privately with witnesses and their attorneys.

Today, I personally spoke with Director Comey about the terms his staff is insisting on as a condition for providing the Clinton investigation documents. I want to be clear with the people of Iowa and the American public about what I told him and what my position is as chairman of the Senate Judiciary Committee, which is responsible for oversight of the FBI.

The committee did not agree to any conditions before the first document delivery last month. In fact, nobody at the FBI, Senate security, or Senate leadership consulted with me as chairman of that committee before accepting the documents addressed to the Judiciary Committee. Still, we honored those limits in good faith anyway while we tried to get the unclassified material separated from the classified material. We honored the limits even though we were not obligated by any legal restriction or agreement.

The controls of these documents are overkill for this kind of unclassified material. The access controls make it unnecessarily difficult to use documents and to follow up on the information in those documents.

The most objectionable restriction is that we cannot talk about the content

of the documents with witnesses and other third parties, such as their counsel, even if we do it in a nonpublic way, and that substantially interferes with the Senate's ability to continue its constitutional oversight of the executive branch. So the majority leader and I each wrote to Director Comey asking for a separate set of unclassified documents. Director Comey did not answer that letter. Then the FBI released, through the Freedom of Information Act, virtually all of the same unclassified material that it was asking the Senate to treat as if it was classified.

Releasing as much as possible to the public is the right thing to do, and I very much appreciate that Director Comey is complying with his legal obligation for transparency under the Freedom of Information Act. But these document controls imposed before the public release make it look as if the FBI is trying to muzzle Congress and keep us from working with the information until after the FOIA process is completed. So what is Congress forced to do? Congress has to wait in line behind FOIA requesters before we get access to information in a way that we can actually use it as followup for our investigation. The way this process is working sets a very dangerous precedent that could undermine transparency, and transparency is essential for accountability in government.

Frankly, this whole process is an end run around our constitutional oversight responsibility. If an agency wants to slow-walk Freedom of Information requests and give unclassified information to Congress with all kinds of strings attached to prevent us from using it, it could easily thwart oversight and accountability for months or even years.

I cannot agree to document controls that prevent the committee from doing its job, and the FBI should not ask me to do that.

We actually offered not to publicly disclose the contents of the documents and to treat them as confidential under Senate rules. Why is that not enough for the FBI to provide documents before the Freedom of Information process is complete so that we can use those very same documents in privately questioning witnesses?

All 100 Senators need to consider the consequences of allowing the executive branch to unilaterally impose restrictions on unclassified information like this. We must protect the independent powers of the Senate from the executive branch overreach.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### UNANIMOUS CONSENT REQUEST— S. 2971

Mr. PORTMAN. Mr. President, I rise today to talk about legislation that would support our first responders—specifically those who work on our urban search and rescue teams. These

are FEMA forces around the country staffed by volunteers—brave individuals who are willing to go into danger, who are willing to go into places like the aftermath of 9/11, as they did, or Katrina, as they did.

We just had the 15th anniversary of the 9/11 attacks, and many of my colleagues came on the floor and talked about how much they appreciate those first responders who responded for us. They talked about their virtues and how they put their lives on the line to rescue victims. Those heroes included members of our urban search and rescue teams.

As we all do, I remember where I was on 9/11. I was here in Washington. My wife was in for a rare visit. The morning 9/11 happened, I think she got the last Enterprise rental car out of town and went straight home to be with our three kids to let them know they would be safe. As she was driving back to Ohio on a Pennsylvania highway, she saw flashing lights coming the other way. It was Ohio Task Force One. She recognized the truck right away because we knew a lot of the members of that task force. The lights were flashing as they went into danger: They were driving to 9/11. They were there for weeks. Some were there for months. They put their lives on the line for all of us.

At every place around the country, these task forces are staffed by the same brave individuals—not just brave but highly skilled. We think about the bravery of people like Chief Jeff Payne of Ohio Task Force One, who immediately left his family and went to the World Trade Center. We think of men like Ray Downey, one of the architects of FEMA's Urban Search and Rescue Program. Ray gave his life that day, 9/11, so that others could live. I think about so many around the country who are not just brave but highly skilled and do extraordinary work. They bring specialized skills that most first responders wouldn't have, skills such as heavy rigging or the ability to lift large and heavy objects like iron beams and concrete walls—tools that were needed at the World Trade Center. They are absolutely critical to the future of our emergency response. They also went to Katrina to save lives there. They are volunteers. They leave their families on a moment's notice when they are needed for this vital support. On 9/11, some lost their lives in service.

The families who were affected by that want to be sure that when those members deploy at the risk of their health, employment, and personal liability, that when they put it all on the line, we are there for them. That is what this legislation does.

It doesn't have to be the way it is now because we could put legislation in place that would take a lot of those concerns away, give people more peace of mind, and protect these first responders from lawsuits, medical expenses, and job loss as a result of their

service. The legislation is called the National Urban Search and Rescue Response System Act. It is something FEMA asked this Congress to do after 9/11. It took Congress a while to get through it, but we finally put together legislation with FEMA over the last year and a half. The legislation was worked on by Republicans and Democrats alike. It has been totally non-partisan.

The coauthor of this legislation is TOM CARPER, the ranking Democrat on the Homeland Security Committee. The Homeland Security Committee passed this legislation not with a vote of Democrats and Republicans on each side but unanimously, with Democrats and Republicans working together. We actually passed the legislation unanimously back on May 25.

The legislation not only has the support of Homeland Security & Governmental Affairs Chairman JOHNSON, Ranking Member CARPER, Senator CORY BOOKER, Senator MIKE BENNET, Senator DIANNE FEINSTEIN, but it is also just common sense. This is exactly the kind of legislation we should be passing around here.

It has the support of FEMA, strong support. They are the ones who worked with us to put this together because they want to codify what current rules are and expand those rules and clarify them.

It has the strong support of the International Association of Firefighters, and they are wondering why we can't get this done.

It also has the support of Homeland Security Secretary Jeh Johnson, with whom I spoke yesterday in a public hearing about this very bill. He said, "Let's get it done." He wants us to complete this project. He testified before us yesterday—what will probably be his last testimony as Secretary before the Homeland Security Committee—and he said, "Let's get this done."

Despite this unusual and strong bipartisan support on a critical bill to help these first responders, we can't seem to get it done.

After getting out of committee on May 25 with a unanimous vote, we then took it to the floor. In fact, over the last couple of weeks, we have had it as a hotline, meaning you ask your colleagues whether they are OK with it passing. Of course, there has been no concern at all about the substance of the bill, so on our side of the aisle, no concerns were raised. By the way, it took 1 day to hotline it on our side, of course, because there is no controversy about it.

On the other side of the aisle, we have been asking every day. I have been asking my colleagues, including TOM CARPER and CORY BOOKER, who want to get this done, if they can help. They said there seems to be a hold on it. They say it is an anonymous hold. In other words, somebody is objecting to it over there on the other side of the aisle, but they won't come forward and

say they are objecting to it. To me, that is wrong. That is why a couple days ago I said I was going to come to the floor and ask unanimous consent to find out who could possibly be objecting to this. My colleagues asked me if I could give them a couple days to check it, so I have. So I didn't do it the day before yesterday when I planned to, and I didn't do it yesterday because they wanted more time to check on it.

They continue to tell me that there is a hold, and it is an anonymous hold. I hope it is not for political purposes. That would, of course, be an incredible disservice to these first responders. If they think these task force members should come home from saving lives and have to pay for expensive injuries or health problems acquired in their service, we should have a conversation about that. If they think they shouldn't have a job waiting for them when they get back, we should have a conversation about that. But frankly, in my view, I don't think that is the issue. I can't imagine anybody objects to this on the substance, so let's get this done.

Mr. President, I ask unanimous consent that we get it done; that the Senate proceed to the immediate consideration of Calendar No. 578, S. 2971; further, that the committee-reported amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, my friend from Ohio talks about common sense. Common sense dictates to me that the Republicans who run the Senate have had months to turn their attention to bills like this. They also have had months to do something else. For almost 200 days we have been waiting—waiting for the Republicans to have a hearing with Merrick Garland.

The Supreme Court is at a standstill. Nothing is being done. A new term, and they basically are afraid to take cases of controversy. Why? Because it is four to four. So common sense dictates to me that we should address the vacancy on the Supreme Court caused by the death of Justice Scalia.

On March 16, 2016, he was nominated. We are approaching October. To date, the Senate has not held a vote or even a hearing. It is nice that a few have decided to break from the Republican leader and even met with the man. That was nice of them to do that. Why haven't they held a hearing? Because they know they can't hold a hearing. Here is one of the most reasonable people who could ever be selected for the Supreme Court. The former chair of the Judiciary Committee, ORRIN HATCH, said he should be put on the bench. He would be a consensus nomination. But not in this Republican world, no.

So Democrats would be happy to consider bills like this about which the

Senator inquires as soon as Republicans have a little common sense—they used that word—and schedule a hearing and a vote on the nomination of Judge Garland.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. PORTMAN. Mr. President, this will probably be the last time I will have a chance to talk to the minority leader across the floor. I have worked with him on a number of things over the years, including when I was in the Senate and before the Senate. I guess I am going to plead with him this evening and say please don't block this. This has nothing to do with Supreme Court nominations. It has nothing to do with the other rancor we have seen here on the floor. This is a bill that is totally bipartisan. In fact, it is one that TOM CARPER, the ranking member of the committee, is the co-author of. It is one they have been asking for from FEMA for 10 years, even going back to a previous administration. It is one that has been up here on the floor for the last couple of weeks with no objections on the substance, not a single one.

I know Senator REID knows well that he has a task force in Nevada too. It is Nevada Task Force 1, located at the Clark County Fire Station in Las Vegas. I know he knows it well. They strongly support this legislation. Of course they do. All of them do. The International Association of Firefighters strongly supports this legislation.

If I can ask unanimous consent to put Senator REID's name as the author rather than me, I would do that tonight. Am I permitted to do that, Mr. President?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PORTMAN. Mr. President, I am willing to have this be a Reid bill. It would be a good bill here toward the end of the session for the Senator to do, which would help his firefighters. I will withdraw my name from the bill.

I ask unanimous consent to withdraw my name from the bill and insert Senator REID's name instead or anybody else he chooses.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I have objected.

The PRESIDING OFFICER. Objection is heard.

Mr. PORTMAN. Mr. President, I thank him for hearing me out tonight.

And to my colleagues, I hope this is legislation we can move forward on as soon as we get into another session, I guess the lameduck session. I hope to go to work with my colleague from Nevada on that. I know he has been very

supportive of firefighters and does not object to the merits of the legislation, so my hope is that we can get this done.

Mr. REID. Mr. President, I would ask my friend before he leaves that the Senator modify his request: that following a vote on confirmation of the nomination of Merrick Garland to be a Justice of the United States Supreme Court, the Senate proceed to the immediate consideration of his matter.

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. PORTMAN. No. On behalf of the majority leader, of course I object to that. I am amazed that we are blocking legislation to help our urban search and rescue teams by bringing partisan politics into this discussion, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I submit that—my friend still has the floor, so I don't want to interrupt.

Mr. PORTMAN. I would be happy to yield to the minority leader.

#### THE SENIOR SENATOR FROM IOWA

Mr. REID. Mr. President, I don't know how anything could be more political, more repugnant to our system of government than what has happened with Merrick Garland.

The senior Senator from Iowa came here, and I waited for him—came to the floor to talk for a long time and in the process took credit for a bill that was Senator SHAHEEN's bill. It was her bill. He took it and put his name on it. That was interesting. In the same setting, he complained that I had objected to some bills advanced by Republican Senators.

I have to say that the Senator from Iowa has a lot of nerve to complain about our side blocking legislation. The Republican Senate has written the book on obstruction, filibustering 644 times in the time I was leader. That is a lot. It is so far out of the norm that it is not worth trying to be able to state more than what I did yesterday.

Lyndon Johnson was the majority leader for 6 years. There is some dispute over how many filibusters he had to overcome. We know it was one, and some say two. So two compared to 644 shows how outrageous is the conduct of the Republicans. The Senator from Iowa has written the book on obstruction of nominations. He singlehandedly blocked Judge Garland's nomination, and doing so is unprecedented. Never has a Judiciary Committee acted in this manner.

To use Senator GRASSLEY's own words, Senator GRASSLEY's action is "pure, unfiltered partisanship. It is election-year politics at its very worst." That was a quote from my friend, Senator GRASSLEY. If the senior Senator from Iowa is looking for pure, unfiltered partisanship, the next time he combs his hair or shaves, he should look in the mirror.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### ZIKA VIRUS FUNDING

Mr. RUBIO. Mr. President, I want to come to the floor to say that after a lot of work, the Senate has finally passed funding to take on Zika—a cause I have been talking about since April of this year. I want to say, in full credit to the Senate, that this is actually a very similar proposal that the Senate proposed in May, and it is now the one before us. I am sad that it took so long to get to this point, but at least we are here now.

As I said before, it is better late than never. To the people of my home State of Florida, to the people of the island of Puerto Rico, who have been disproportionately impacted by the outbreak of Zika in the United States, I want to say that despite a long wait, help is finally on the way. Help is finally on the way in the form of a \$1.1 billion anti-Zika package which is part of this larger law—this larger bill that passed today to keep the government open beyond September 30.

Included in the law that passed today is \$15 million that is specifically targeted for States with local transmissions. The only State so far that has had local transmissions is my home State of Florida. Today, \$15 million is, hopefully, on its way to Florida if we can get this done in the House to help with the fight against Zika.

It also includes \$60 million, specifically for territories like Puerto Rico. Puerto Rico has the highest number of infected American citizens with Zika. Today is good news for Puerto Rico.

This took far too long, but I am glad we are finally here. This anti-Zika package rightfully prioritizes Americans in Florida and in Puerto Rico, and I am encouraged that after months of working on this, my calls for action have finally been answered and real assistance from the Federal Government is finally on its way.

I have to reiterate that it is shameful that it took so long and that this public health crisis was made worse by people playing political games in Washington, DC.

If anyone is in doubt about whether that is partisan, I think the games have come from both side of the aisle. It took far too long for colleagues in my own party to understand the gravity and severity of this outbreak, and, sad to say, the Democratic minority in the Senate used this as a political tool for much of the month of August and even as late as yesterday. I am glad that these critical resources are now moving forward so that we can help thousands of Americans suffering from this virus and so that we can step up our mosquito eradication efforts and ultimately so that we can develop a vaccine that eradicates Zika for good.

While the funding is on its way, the problem still continues. In the mainland of the United States, there are

now 3,358 cases of Zika. In U.S. territories, primarily the island of Puerto Rico, there are now close to 20,000 cases. In my home State of Florida, there are now 904 cases—109 of them were locally transmitted, meaning they were not acquired abroad. They were acquired in the State. There are 91 pregnant women in the State of Florida infected by Zika.

While Congress did nothing and while the President refused to fully spend the spending authority it had available to him for weeks, this crisis continued to grow. The health impact of it is well understood, but the economic impact has not been discussed nearly enough.

We know for a fact that there are bookings that are down in Miami Beach. That is not just an inconvenience. My parents worked in the hotel industry. That is how they raised our family—my father in particular. If hotels are suffering because people are canceling trips because they are afraid of Zika, it is the people that work at those hotels who are most immediately impacted.

We have seen restaurants and small businesses associated with visitors report the same thing. Anecdotally, I have had people come up to me over the last month and say: Is it safe to travel to Florida? Is it safe to go down there?

The answer is that it is. It is safe to come to Florida, but that doesn't mean we don't have a Zika problem. It doesn't mean it doesn't need to be addressed. Local communities in the State of Florida and the island of Puerto Rico—the territory, the Commonwealth—had to step forward and fund it on their own until now.

While it is good news that we have finally passed Zika funding in the Senate, it now has to go to the House. I would urge my colleagues in the House to pass this quickly—not just to keep the government open but to finally fund the fight against Zika and to ensure that the research that is going into the development of vaccine is not slowed down.

There are other things we can do to address this. For example, I have proposed opening up the Small Business Administration loan program that is available for businesses that suffer the effects of natural disasters to also be able so that businesses may avail themselves of these loans if they are suffering because of a health epidemic. The SBA has indicated that they are open to that change, and I hope that is something we look at when we return in November.

Suffice it to say that I want to close out here today by telling the people of Florida that, after a wait that took far too long, after months of hard work and focus and bipartisan cooperation, help is finally on the way. Help is finally on the way in the form of \$1.1 billion, including \$15 million for Florida and \$60 million for the territory of Puerto Rico.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAX AND HEALTH CARE POLICY

Mr. HATCH. Mr. President, we are currently in the middle of an election year. Like most Americans, I look forward to the end of the political campaign season and the end of the rhetoric, spin, and constant battle to win the latest news cycle.

Don't get me wrong, I am not saying this election is meaningless. In fact, there is quite a bit at stake this coming November. And the American people have some clear choices to make.

Unfortunately, some of the more complex and consequential policy matters are the ones that most frequently end up in the middle of the political echo chamber, surrounded by hyperbolic rhetoric, empty promises, and overly simplistic answers to some very difficult questions.

This includes, among many other areas, tax and health care policy, both of which fall largely under the jurisdiction of the Senate Finance Committee, which I chair.

Let me be clear: I understand why both tax and health care policy are fertile grounds for political gamesmanship.

When we are talking about the Tax Code or our health care system, we are talking about issues that impact the lives and livelihoods of individuals, families, and businesses throughout our country. As a result, people are particularly sensitive to the notion that one party or candidate might raise their taxes or enact policies that will increase—or decrease—their health care costs.

Politicians are usually more than willing to promise that, if elected, they will make sure that the people in category X will “finally pay their fair share in taxes,” while simultaneously promising that the intended audience will not see their taxes go up.

Similarly, politicians are quite fond of telling people that their policies will bring down their health care costs—or even eliminate them altogether—while promising that the people in category X will be the ones to pay for it.

I suppose the factor that most often separates these politicians from one another is whom they include in category X, whom they choose to slap with an unfavorable label so that their audience has no problem raising their taxes or making them foot the cost of an expanded health care system.

This type of rhetoric—defining enemies and promising to make them pay—may make for good politics, but it almost never results in favorable conditions for meaningful reforms.



That is a big reason why, despite almost universal dissatisfaction with the Tax Code, Members of Congress have for years now been unable to enact meaningful reforms.

It is also a major reason why, even though the vast majority of Americans do not believe our current health care system works for them, many politicians refuse to even acknowledge that there is even a problem.

Put simply, we need to do better. While I understand the importance of elections to our system, we should not let election-year rhetoric paint us into a corner when it is time to draft and enact policy.

Case in point, for years now, the Obama administration has been ramping up its political rhetoric on corporate inversions, fully aware that the American people were rightly concerned about U.S. businesses moving their headquarters offshore.

After years of attacking American businesses—and Republican politicians—for a supposed lack of “economic patriotism,” they finally had to translate their rhetoric into policy, which resulted in the recently proposed debt-equity regulations that have drawn criticism from observers and businesses throughout our economy and Members of Congress on both sides of the aisle for being too broad and too blind to ways in which businesses legitimately manage their finances.

By all means, we should try to prevent inversions and go after earnings stripping, which is a closely related problem. I think most reasonable people want to do that. But the Obama administration’s proposed regulations go after many legitimate business transactions—transactions that are not at all motivated by tax avoidance.

Put simply, these regulations will impose substantial burdens on businesses throughout the country and will likely hamper our still fragile economic recovery.

Despite the backlash that we have seen to the Treasury Department’s proposed regulations under section 385, they show no signs of backing down—and how could they? After years of demonizing American companies and Republicans over inversions, how politically advantageous would it have been to sit down with Members of Congress to craft more narrowly focused, reasonable solutions that would not grab as many headlines?

Ultimately, the Obama administration has determined that it is better—politically speaking—to, as the saying goes, go big or go home on its anti-inversion policies and hope that anyone from the opposing party who speaks out against them will be seen as soft on corporate inversions.

And, when it comes to tax policy, it appears that the pattern will not be changing if we are faced with another Democratic administration after November.

The Democrats’ nominee for President has been relatively short on de-

tails when she talks about her tax proposals. For the most part, her campaign sticks to the tried and true Democratic tactic of promising everything from tax cuts to “free” college tuition, to child care for middle and lower-income workers, while simultaneously claiming that all of it and more can be paid for simply by raising taxes on the rich and closing corporate tax “loopholes.”

Just last month, a top advisor to the Democratic nominee said that she opposes any reduction of the U.S. corporate tax rate, even though there is a broad consensus among both parties that our corporate tax rate is too high and needs to come down.

I suspect that Secretary Clinton’s advisors share this belief behind closed doors, as it is, for the most part, conventional wisdom among tax policy experts; yet, as they have in countless other situations, they have made a political calculation that supporting a reduction in corporate tax rates doesn’t play well with the Democratic base.

Let’s set aside the fact that increasing the tax burden on American businesses results in costs that are largely passed along to consumers, including lower and middle income earners.

Let’s also set aside that their nominee has expressed support for ideas like a carbon tax that would also result in higher costs of living for Americans across the board, particularly on the middle class and lower-income workers.

And let’s also set aside the fact that she has endorsed taxes on goods like guns and soda, many of which would be predominantly imposed, not on the super wealthy, but the middle class and lower-income earners.

If you ignore those statements on her part and focus on her plan, her tax and spending proposals have little basis in reality. Modest increases in the individual tax rates for the highest earners wouldn’t cover our current and projected deficits, let alone pay for the massive spending increases she has proposed. Similarly, there aren’t enough corporate tax “loopholes” that could reasonably be eliminated to cover the costs of her campaign promises.

We know this because we have gone through it with the current occupant of the White House. In every major budget dispute and many of the conflicts surrounding the statutory debt limit, President Obama has repeatedly clamored for increased taxes on the so-called rich, often claiming that doing so would solve our budgetary problems.

This is, of course, a facade that only serves a political agenda and it has permeated beyond the election season and into discussions that are supposed to be about actually creating policy.

As I mentioned earlier, this problem persists outside of the tax space. We also see it in our debate over health care policy.

Here is the reality we are living in when it comes to health care: Costs are going up across the board as insurance

premiums continue to skyrocket while the implementation of the President’s health law continues to be a disaster. Enrollment numbers in the Obamacare exchanges continue to fall well below the projections made by both the administration and the Congressional Budget Office, and the result is a steady decrease in options for patients and consumers and increased burdens on businesses and hardworking taxpayers.

Even without the inherent systemic problems causing the downward spiral of the entire Obamacare system, the implementation of the law has been remarkably inept and unaccountable.

For example, nearly two-thirds of the Obamacare CO-OPs have failed, costing taxpayers billions of dollars.

In addition, the Government Accountability Office repeatedly reports that criminals and fraudsters are likely able to navigate the Obamacare exchanges and even obtain tax subsidies due to the lack of proper safeguards in the system.

Despite all of these failures, which highlight both the shortcomings of the law and the innate inability of government to regulate such a vast and complex marketplace, the Democrats still argue that more government is the answer.

President Obama has repeatedly refused to acknowledge that the health law isn’t working, writing off unfavorable data points as being anecdotal or irrelevant to the bigger picture.

The Democrats’ nominee for President takes it one step further, doubling down on the Obama administration’s position while promising even more government control of the health care system.

She has outlined a number of “reforms” she would like to add to the “progress we’ve made” under Obamacare. And, each of her proposals amounts to an expanded role for the Federal Government.

Most notably, of course, she has resurrected the so-called public option, by promising voters access to a government-run health care plan.

She is not alone. An expanded role for the government in health care is what most Democrats openly say that they want.

I am not making that up or casting unfounded aspersions. This isn’t paranoia on my part. My colleagues have purposefully chosen to make the creation of a government-run health care plan a central tenet of their 2016 campaigns. Just a few weeks ago, the vast majority of the Senate Democratic caucus signed onto a resolution calling for a government-run health insurance option.

It is almost as if the last 7 years didn’t happen.

It is almost as if my colleagues haven’t seen the failures of the existing system and the overwhelming evidence of government ineptitude when it comes to health care.

In their resolution, my colleagues are telling the American people that expanding the government’s role in

health care will “lead to increased competition and reduced premiums,” and “ensure that consumers have the affordable choices they deserve,” even though virtually everything about the Obamacare experience contradicts that conclusion.

The inevitable result of the course my colleagues want to follow is a single-payer health care system, even if many of them won’t admit that is their long-term goal. I have noted several times that, in a world where the government dictates both the products on the health insurance market and the prices at which they are sold, the eventual result will be a market where the government is the only available provider.

From the time Obamacare was drafted, I have argued that Democrats intended to keep expanding the role of the government in the health care sector until they could argue that, after a series of failures, the only option left is a nationalized, single-payer health care system.

And my arguments have been called paranoid and inflammatory by pundits and politicians on the other side; yet, looking at this current campaign season, it is not remotely a stretch to say that my colleagues support and eventually intend to impose a health care system run entirely by the government.

Whether we are talking about taxes or health care or anything else, the problem with this type of rhetoric and all of these campaign promises isn’t that my colleagues are simply wrong on the facts. The problem is that, when the rubber meets the proverbial road, these kinds of promises don’t lead to good results for the American people.

And, here is why: While some unfortunately seem to live in a perpetual election cycle, once the votes are all counted, we have an obligation to actually govern the country.

I know that fact is sometimes lost on a number of people in this town, but it is the cold, honest truth. The purpose of elections is to eventually enact policies that are preferred by the voters.

Yet, in every election, candidates and Members of Congress spend months taking unreasonable positions and making outlandish promises because they play well with the voters. But, once the election is over, all of that rhetoric—the promises as well as the attacks—have to be translated into actual policy. And, far too often, that process of translation leads either to gridlock when elected officials refuse to move off of their unreasonable campaign positions or to results that, in the eyes of many voters, appear watered down in comparison to the promises they heard in the middle of campaign.

Is it any wonder, then, that the American people are, by and large, growing more distrustful of the government?

Is it any wonder why the vast majority of Americans across the ideological spectrum have a negative view of Congress?

As chairman of the Finance Committee, I am well aware that I am going to be tasked with translating election-year rhetoric into workable policies. I am also aware that the policies that fall within the Finance Committee’s jurisdiction are often those where we hear some the most contentious rhetoric and unrealistic promises during each and every election cycle, which makes the job of crafting policy that much harder.

Don’t get me wrong, I don’t doubt my own ability to reach policy solutions that can satisfy members of both parties, and, as chairman and previously as ranking member, I have worked very hard to do so. And, prior to that time, I had a great deal of success working through difficult policy matters with members in both parties to find the right answers to complex problems.

I believe strongly that we can be successful in coming up with tax policies, health care policies, or any other policies that serve the best interests of the American people. I simply do not believe that election-year rhetoric and hyperbolic campaign promises are the right starting points for these efforts.

Allow me to boil it down a little further and get more specific.

I believe wholeheartedly that we can reform our broken Tax Code on a bipartisan basis. I just don’t think we can do it by starting with the notion that tax reform should be about raising revenue for increased spending and punishing disfavored income groups, unpopular industries, or savvy investors.

I also believe we can find a bipartisan way to fix our ailing health care system. But I simply don’t believe that it can be done if we are focusing on expanding government in order to keep campaign promises to create a government-run health plan.

I look forward to tackling these issues with my colleagues and to reaching across the aisle to find the right answers. In my view, that will be much easier to accomplish if my friends on the other side of the aisle will eventually be willing to set aside the rhetoric they have employed during the campaign to appease their base.

I am willing to work with anyone to address these and other issues. We’re just going to have to find a way to cut through the politics and partisan ship that all too often slows us down.

#### JUSTICE AGAINST SPONSORS OF TERRORISM BILL

Mr. REID. Mr. President, today I reluctantly voted to sustain President Obama’s veto of the Justice Against Sponsors of Terrorism Act, JASTA. It is essential that we honor families of the 9/11 victims. I am supportive of their efforts to pursue justice and hold accountable foreign powers that support terrorism in the United States. However, I am concerned that JASTA erodes longstanding international immunity protections that are essential to the security of the United States.

As President Obama explained in a letter to me, “Enacting JASTA into law . . . would neither protect America from terrorist attacks nor improve the effectiveness of our response to such attacks. . . . JASTA sweeps much more broadly than 9/11 or Saudi Arabia, and its far-reaching implications would threaten to undermine important principles that protect the United States, including our U.S. Armed Forces and other officials overseas, without making us any safer.”

In its current form, JASTA undermines the principle of sovereign immunity in U.S. courts, which could have significant reciprocal ramifications. If JASTA becomes law, other countries will likely follow suit and enact laws that threaten U.S. interests and jeopardize the United States’ ability to operate internationally. As Secretary of Defense Ash Carter noted, “[JASTA] is likely to increase our country’s vulnerability to lawsuits overseas and to encourage foreign governments or their courts to exercise jurisdiction over the United States or U.S. officials in situations in which we believe the United States is entitled of sovereign immunity. U.S. Servicemembers stationed here and overseas, and especially those supporting our counterterrorism efforts, would be vulnerable to private individuals’ accusations that their activities contributed to acts alleged to violate a foreign state’s law.”

As the Senate Democratic leader, I feel an obligation to support my President. Although I am voting to sustain the President’s veto, I would be supportive of follow-on efforts to modify the JASTA bill in a way that would allow victims to secure justice while protecting core U.S. interests.

#### CONTINUING RESOLUTION

MR. DURBIN. Mr. President, I want to take a few minutes to talk about the continuing resolution passed by the Senate earlier today. This bipartisan agreement is the result of weeks of negotiations between Democrats and Republicans in both the House and Senate. It funds the Federal Government through December 9 at fiscal year 2016 levels and provides much-needed funding to fight the ongoing Zika public health emergency. We also now have an agreement on a path forward to finally address the public health crisis in Flint, MI.

Funding the government through a stop-gap measure like this is not ideal, but it provides Congress additional time to negotiate a larger funding agreement to fund the Federal Government through the end of the 2017 fiscal year.

Included in this agreement is \$1.1 billion in emergency funding to help States and our Federal health agencies properly respond to the Zika epidemic. As of last week, there were more than 23,000 reported cases of Zika in the United States and its territories, including more than 2,000 pregnant

women who have been infected. This money will be used for vaccine development, mosquito control, and the delivery of much needed health care.

While I am glad Congress will finally provide these much-needed funds, Congress should have provided this funding sooner. It has been 7 months since the President requested emergency funding to address Zika and 4 months after the Senate passed a bipartisan bill to provide Zika funding.

But it has taken this long for Republicans to finally agree to drop their outrageous demands to attach partisan poison pills to this vital public health funding. The agreement does not include controversial policy riders to overturn provisions of the Clean Water Act, nor does it block money from going to Planned Parenthood health centers that so many women rely on to access health care.

We have also reached a bipartisan agreement on providing funding to address the crisis in Flint, MI. The people of Flint have waited 1 year—far too long—for Congress to do our job and address the public health emergency that has poisoned 9,000 children and left 100,000 residents without access to clean and safe water. Instead of turning on the tap to make breakfast or take a shower, Flint residents start their day by waiting in long lines for bottled water to feed and bathe their children, take showers, and stay healthy. The House has moved to include funding for Flint in their Water Resources and Development bill, and I am hopeful that a final agreement on assistance for Flint will be reached in the coming months. I also hope the final agreement will include funding for other communities, like those in my home State of Illinois, facing lead contaminated water issues.

While this continuing resolution is a promising, bipartisan step forward, I am concerned about a provision that limits the Security and Exchange Commission's ability to finalize, issue, or implement a corporate political spending disclosure rule. In 2010, the Supreme Court issued a far-reaching decision in *Citizens United v. Federal Election Commission*. On a divided 5-4 vote, the Court struck down years of precedent and held that the First Amendment permitted corporations to spend freely from their treasuries to influence elections. As a result of *Citizens United* and a series of decisions that followed in its wake, special interests and wealthy, well-connected campaign donors have so far poured more than \$2 billion of outside spending into recent Federal elections, including 2016 races. In the years since *Citizens United*, several of my colleagues and I have called for the SEC to initiate a rulemaking requiring public companies to disclose their political spending to shareholders. More than 1.2 million securities experts, institutional and individual investors, and members of the public have asked the SEC for a disclosure rule. Such a rulemaking would

bring much-needed transparency to the U.S. political process. Shareholders deserve to know when outside spending in political campaigns comes from the coffers of a company they have invested in.

Unfortunately, last year, this provision limiting the SEC's rulemaking authority was slipped into the omnibus appropriations bill, which we had to pass in order to fund the government for the 2016 fiscal year. And I am disappointed that under this continuing resolution, this rider will continue to strangle the SEC's authority. I will work with my colleagues to strike this problematic rider in future legislation.

I am also disappointed that the continuing resolution fails to address ongoing issues with the Export-Import Bank. Last fall, a bipartisan majority of the House and Senate joined together to end a 5-month shutdown of the Export-Import Bank. Despite the end of the shutdown, the Bank remains unable to function because the board lacks the quorum necessary to approve financing deals of more than \$10 million. This not only harms large manufacturers and their employees, it also has a negative impact on thousands of small businesses that are suppliers and subcontractors and the hard-working men and women they employ. The President has nominated two qualified candidates, including a Republican, to serve on the board, but those nominations are being held hostage by the Chairman of the Senate Banking Committee. That is why I have supported language to deem the existing board as having the quorum needed to do its work until these nominations can be considered—a move that is not unprecedented. It is my hope that we will continue to work together to restore the Bank's operating board quorum so that we can prevent further disruption to the economic security of American workers.

I am proud that bipartisan cooperation resulted in today's continuing resolution to keep the federal government open and operating through December 9, but our work here in Congress is hardly done. I will continue to work with colleagues over the months ahead to reach a bipartisan agreement on how we will fund the federal government for the year to come and finally provide funding to address the public health crisis in Flint.

#### 75TH ANNIVERSARY OF THE ILLINOIS ASSOCIATION OF CHIEFS OF POLICE

Mr. DURBIN. Mr. President, this year marks the 75th anniversary of the establishment of the Illinois Association of Chiefs of Police, and I wish to commend the association for its seven-and-a-half decades of dedicated service to the people of Illinois.

Since its creation in 1941, the association has worked to elevate the training and professional development of law enforcement leadership through-

out the State, including working to establish the Police Training Institute at the University of Illinois. The association makes sure that police chiefs have the information and training they need to engage in effective community policing. From its headquarters on Fifth Street in Springfield, the association's influence has spread across the Nation and the world, with seven members of the association having served as the president of the International Association of Chiefs of Police.

Throughout its history, the association has worked to earn and maintain the respect of the people the association's members serve. The association has been guided by its values of compassion, integrity, accountability, fairness, professionalism, innovation, continuous improvement, diversity and inclusion. Not only has the association represented the voices of Illinois' law enforcement leaders as they work to protect the community, but the association also has given back to the community through its longstanding support of the Special Olympics and other charitable causes.

As the association comes together on October 1, 2016, to celebrate its 75th anniversary, I want to recognize and honor the Illinois Association of Chiefs of Police, its more than 1,200 members from nearly 500 agencies across Illinois, its staff, and its board of officers: President Chief Steven Casstevens of the Buffalo Grove Police Department, First Vice President Chief James Kruger of the Oak Brook Police Department, Second Vice President Chief Brian Fengel of the Bartonville Police Department, Third Vice President Chief Steven Stelter of the Westchester Police Department, Fourth Vice President Chief James Black of the Crystal Lake Police Department, Immediate Past President Chief Frank Kaminski of the Park Ridge Police Department, and Parliamentarian Chief Russell Laine of the Fox Lake Police Department.

Our men and women in law enforcement put their lives on the line every day to help protect and serve our communities. For the past 75 years, the Illinois Association of Chiefs of Police has been there to help support and guide Illinois' police chiefs and their departments every step of the way. I am grateful to the association for its steadfast service to our State, and I commend and honor the association on the occasion of its 75th anniversary.

#### RECOGNIZING CREATING ENTREPRENEURIAL OPPORTUNITIES PROGRAM

Mr. DURBIN. Mr. President, today I wish to recognize the Creating Entrepreneurial Opportunities, CEO, program, a yearlong class that creates a real-world learning environment for high school students across Illinois.

The CEO program was started by author Jack Schultz, Craig Lindvall, and other community leaders to change the

way America's youth approach problems and give them more control over their futures. The mission of the CEO program is "to prepare youths to be responsible, enterprising individuals who become entrepreneurs and contribute to the economic development and sustainability of their community."

Throughout this program, participants visit 30 to 50 community businesses during the school year. They learn how to start their own businesses from actual CEOs of local, national, and international companies. They also develop important life skills: critical thinking, problem solving, teamwork, and communication. Through this program, students gain a new sense of self-confidence to become future business leaders.

The success of the CEO program would not be possible without Craig Lindvahl, the executive director of the Midland Institute for Entrepreneurship in Effingham, IL. Every day he works to empower students through the CEO program. Craig, who is a nationally recognized teacher and filmmaker, has spent the last 5 years teaching the CEO program and bringing together business people, community leaders, and students from high schools across Illinois. The program has also expanded into Minnesota and Indiana.

Under Craig's leadership, the CEO program is helping build a strong foundation for our students, which will have a lasting effect on their futures. Our Nation's economy is evolving at a rapid rate, and in order to meet labor demands and foster innovation, we need mentors like Craig and programs like CEO to help prepare our students with the necessary skills to be competitive and successful. I had a chance to see this for myself when I visited the Williamson and Jackson Counties CEO classes in May and watched students present their final projects.

It is with great pride that today I recognize the Creating Entrepreneurial Opportunities program for the transformative education they are providing the next generation of entrepreneurs and community leaders.

#### TRIBUTE TO DAVID YEPSEN

Mr. DURBIN. Mr. President, I want to take a few moments to acknowledge David Yepsen, director of the Paul Simon Public Policy Institute at Southern Illinois University, SIU. Earlier this year, David announced that he would be retiring in late October.

Prior to joining the Paul Simon Public Policy Institute at SIU, David was a political writer, editor, and columnist. He spent over three decades at the Des Moines Register. If you have a passion for covering politics, like David Yepsen does, there is no better place to be. Every 4 years, the political class descends on Iowa, and no one takes this more seriously than Iowans. Iowans and politicians fill churches, community centers, schools, libraries, and homes on cold winter nights to talk politics

with friends and neighbors. At the center of this political three-ring circus is the Des Moines Register, and for nine Presidential campaign cycles, that meant David Yepsen.

It should come as no surprise that David has had a lifelong interest in politics. In high school, he was elected student body president, governor of the Iowa American Legion's Boys' State program, and U.S. senator in the group's Boys Nation program.

David Yepsen is "Mr. Iowa." Born in Jefferson, IA, David graduated from the University of Iowa, studied journalism and mass communications at Iowa State University, and earned a masters in public administration from Drake University in Des Moines. In 1977, David became a Statehouse reporter for the Des Moines Register. And in 1983, he got his big break becoming the Des Moines Register's chief political reporter. He was later named political editor and, in 2000, was promoted to full-time political columnist.

In 1997, after retiring from the U.S. Senate, Paul Simon established a public policy institute at Southern Illinois University. When it first opened, the institute was considered a think tank by many, but not by Paul Simon. He called it a "do tank." In 2009, David Yepsen became director of the Paul Simon Public Policy Institute, and under his leadership, it was exactly that. Throughout the years, he has organized countless events—including a "pizza and politics" program—encouraging students on campus to get involved in politics and government. David never lost sight of Paul Simon's vision and always searched for ways the institute could educate the public and even influence Washington, DC. He was always looking for opportunities to take the institute to the next level.

Although Senator Paul Simon never saw David Yepsen lead his institute, it was clear what he thought of him and the job he would do. In 1988, when Senator Simon ran for the Democratic nomination to be President of the United States, he praised David's objectivity. He said: "Every four years the chief political reporter for the Des Moines Register becomes the most important reporter in the nation. It is a position that could cause vanity and abuse. To his credit, David Yepsen handled this position with sensitivity and balance. And he worked hard." That is high praise, but well deserved.

Some of the best advice I have received is from Senator Paul Simon. He used to say that "when people disagree with my vote I want them to say that it's because I'm ignorant or stupid, not because I'm greedy or making money." With his credentials and years at the Des Moines Register, David had plenty of opportunities to cash in on his success and make money, but instead, he chose to take a job as director of the Paul Simon Public Policy Institute at SIU in Carbondale, IL. Paul Simon would have been proud.

I want to congratulate David Yepsen on his distinguished career and thank

him for continuing the outstanding work started by Senator Paul Simon at Southern Illinois University. I especially want to thank David's wife, Dr. Mary Stuart, and daughter Elizabeth for sharing so much of their husband and father with the Paul Simon Public Policy Institute at SIU. I wish him and his family all the best.

#### NOMINATION OF JEFFREY DELAURENTIS

Mr. LEAHY. Mr. President, yesterday President Obama nominated Jeffrey DeLaurentis to be U.S. Ambassador to Cuba. If confirmed, Mr. DeLaurentis would be the first U.S. Ambassador in Havana in more than half a century.

I have known Jeff DeLaurentis since he became the U.S. chief of mission in Havana, and he is the obvious choice to be ambassador. He is a career diplomat who is universally respected by his peers and by Democrats and Republicans in Congress for his intellect, his integrity, and his thoughtfulness.

The decision to resume diplomatic relations with Cuba has been widely supported, and the number of Americans traveling to Cuba is increasing dramatically. We need an ambassador who knows Cuba, who is respected by the Cuban Government, and who will stand up for U.S. interests and values. Jeff DeLaurentis is that person. The Cuban people have their ambassador in Washington. The American people need their ambassador in Havana.

Not surprisingly, one Senator who has opposed the resumption of diplomatic relations with Cuba criticized the nomination of Mr. DeLaurentis. While he did not challenge Mr. DeLaurentis's qualifications for the job, since he is obviously exceptionally well qualified, the Senator instead said "rewarding the Castro government with a U.S. ambassador is another last-ditch legacy project for the president that needs to be stopped." He said the nomination "should go nowhere until the Castro regime makes significant and irreversible progress in the areas of human rights and political freedom for the Cuban people." He was joined in his opposition to Mr. DeLaurentis's nomination by another Senator.

Having been to Cuba many times where I have met with Cuban Government officials, as well as with critics of the government, including some who have been persecuted and imprisoned, no one is a stronger defender of human rights there than I am. Like President Obama, we all want the Cuban people to be able to express themselves freely and to choose their own leaders in a free and fair election.

For 50 years, we have tried the isolationist approach advocated by a dwindling minority of Members of Congress, and it has failed miserably. The Castros are still in power, and Cuba is still a country where political dissent is not tolerated.

No one who knows Cuba expected the resumption of diplomatic relations to

quickly result in an end to repression or free elections. But I am confident that, in a lot less than 50 years, the Cuban people will have a lot more freedom than they have had for the past 50 years.

Consider for a moment what it would mean if we did what these Senators advocate. Not only would we have no ambassador in Cuba, to be consistent, we would have no ambassador in China, Vietnam, Russia, South Sudan, Egypt, Ethiopia, or in any number of other countries where human rights are routinely violated, where political opponents, journalists, and human rights defenders are imprisoned and tortured, where there is no such thing as a fair trial, where civil society organizations are threatened and harassed, and where dissent is severely punished.

Is that what the Senators want, or are they just concerned about human rights in Cuba? Their argument is as illogical as it is inconsistent.

The purpose of an ambassador is to represent the interests of the U.S. Government and the American people. Appointing a U.S. Ambassador is not a reward to a foreign government, any more than their ambassadors are a reward to our government. Do the Senators think that our ambassador in Russia is a reward to President Putin, or that having an ambassador in Moscow somehow conveys that we agree with President Putin's corrupt, repressive policies? Does anyone think that Russia's ambassador is somehow a reward to the Obama administration? Or that our ambassador in Vietnam legitimizes the repressive policies of that government? Does anyone think that the Cuban Government regards its ambassador here as a reward to us?

Let's be sensible. The United States has interests in every country, even if it is just to stand up for the rights of Americans who travel, study, or work overseas. But there are many other reasons like promoting trade and investment, protecting national security and public health, and supporting educational and cultural exchange.

We could do as these Senators urge and downgrade our diplomatic presence and withdraw our ambassadors from every country where there is a repressive government. That, of course, would mean that our lower-ranking diplomats would be relegated to meeting with foreign officials of lesser rank than ambassador.

And, of course, those governments, like Cuba, they would still have their ambassadors in Washington, with access to officials of comparable rank in our government. Would that help us advocate for U.S. interests, for U.S. values, for the American people?

We either believe in diplomacy or we don't. We either empower our diplomats or we don't. The Cubans, after a year of difficult negotiations, agreed to reopen embassies. Now, with their ambassador here conducting business, we are somehow better off without an ambassador there? Of course not.

I understand that this is an emotional issue for some Cuban-American families. But after 55 years, Cuban-Americans overwhelmingly support the new policy of engagement. They want the U.S. to have an ambassador in Havana.

There is a time for family politics, and there is time for what is in the interest of the nation as a whole. Ambassadors serve the national interest, and that is what Jeff DeLaurentis would do, and he would do so as a career diplomat with years of experience.

Finally, I want to quote from Alan Gross, who as we all know, spent 5 long years in a Cuban prison. This is what Mr. Gross said about Mr. DeLaurentis's nomination: "I advocate for the appointment of a U.S. Ambassador to Cuba and I have a very high regard for Ambassador Jeff DeLaurentis. Had there been diplomatic relations between the U.S. and Cuba in December 2008, a U.S. Ambassador could have prevented the loss of five years of my life. Any one in Congress who opposes this nomination goes against the best interests of the United States."

We should listen to Alan Gross. He suffered in Cuba, as do thousands of Americans imprisoned overseas. They depend on our ambassadors to assist and advocate for them, just as we would if it were a member of our families.

I urge these Senators to put what is in the interests of the American people over their personal interests and to not obstruct the confirmation of Jeff DeLaurentis, a superbly qualified nominee, from becoming ambassador to Cuba.

#### TRIBUTE TO GENERAL GORDON SULLIVAN

Mr. LEAHY. Mr. President, earlier this summer, GEN Gordon Sullivan, a man who has dedicated his life to caring for and developing world-class leaders, retired from his role as chairman of the Norwich University Board of Trustees, a position he held for 13 years. At the same time, he retired from his role as president of the Association of the United States Army, a post he held for 18 years.

General Sullivan's lifetime of service began in 1959, when he earned his degree in political science from Norwich University and assumed a commission in the Army as a second lieutenant of armor. Like so many from this prestigious Vermont institution, he went on to excel among his peers. He completed two distinguished tours in Vietnam, earning the Purple Heart. General Sullivan could have justifiably concluded his military service then, and his contributions to that point would have been impressive, but he continued to serve, and in clear recognition of his tireless devotion to soldiers, he was eventually appointed as the Army's top officer.

As the 32nd Army Chief of Staff, General Sullivan directed a post-Cold War

downsizing that spanned the administrations of two U.S. Presidents. These transitional years saw unprecedented reorganization within the Department, occurring amid ongoing, complex global peacekeeping operations. By continuing to prioritize the men and women he was tasked with leading, General Sullivan navigated this critical era with a skill and tact that few can match. In 1995, he retired from the Army to begin a new chapter.

In 1998, General Sullivan began his tenure as president of the Association of the United States Army, AUSA, the Nation's largest Army-oriented, non-profit organization. As president of the association, he was known for focusing efforts on improving conditions for soldiers and their families. General Sullivan served as head of AUSA while maintaining close ties to Norwich University, and that connection was further solidified in 2003 when he became chairman of the Norwich University Board of Trustees.

As chairman of the board, he directed and supervised countless improvements to the university, while always adhering to Norwich's core values. During his 13 years leading the board, General Sullivan assisted with the meticulous design of the school's 2019 plan. His influence helped bring about some of the most significant improvements in Norwich's history, including the expansion of student housing, academic resources, and athletic facilities. Perhaps most notably, he played an integral role in building the school's reputation as an internationally known center for education in cyber security. Like Norwich's founder, Captain Alden Partridge, General Sullivan has contributed to Vermont and our Nation's academic prosperity in so many ways.

I would like to recognize GEN Gordon Sullivan for his contributions to Norwich University, the Army, and the Nation as a whole. It gives me great pride to know that General Sullivan benefited so strongly from a Vermont-based education, and I know that our State has benefited from a longtime relationship with him. I am confident that General Sullivan's contributions will continue, and I wish him well as he further expands his already proud and accomplished legacy.

#### CONTINUING RESOLUTION

Mr. KIRK. Mr. President, today we have made great progress in protecting whistleblowers and veterans at Veterans Affairs hospitals across the country by passing the fiscal year 2017 Military Construction—Veterans Affairs Appropriations Conference Agreement, which includes S. 2291, VA Patient Protection Act. This bill provides protection for the protectors of our veterans, the whistleblowers, who are shedding light on the egregious acts of some employees at VA hospitals across the country. Unfortunately, one of those hospitals is the Edwards Hines Jr. Veterans Affairs Medical Center in my State of Illinois.

Today I sent a letter to Veterans Affairs Secretary Robert McDonald regarding the most recent injustice uncovered by whistleblowers at the Hines VA.

Whistleblowers brought to my attention that the remains of indigent veterans and those without next of kin are often left in the Hines VA morgue for over a month, sometimes longer, without proper postmortem care. The whistleblowers, who wish to remain anonymous for fear of retaliation and losing their jobs, brought forward information identifying Mr. Christopher Wirtjes, chief, patient administrative services at Hines VA, as the person responsible for this blatant disregard of a veteran's right for a timely and dignified burial. I have asked the Secretary to fire Mr. Wirtjes for failure to perform his duties. In addition to this latest trespass against veterans at Hines VA, Mr. Wirtjes was the only manager identified in the VA's own inspector general investigation as the mastermind behind directing staff to manipulate wait times for appointments at Hines VA.

Whistleblowers provide an important service of reporting waste, fraud, and abuse of veterans care. In fact, whistleblower disclosures play a pivotal role in promoting accountability and better health care for veterans at the VA. However, whistleblowers at Hines VA tell me retaliation continues despite the whistleblower protections in place. This is why I am pleased the continuing resolution that passed the Senate today overwhelmingly includes my bipartisan VA Patient Protection Act, which increases penalties for those who retaliate against whistleblowers, creates a formal process for whistleblowers to file claims at the VA, and establishes a central whistleblower office to investigate all whistleblower claims.

Just as no servicemember is left behind on the battlefield, no veteran should ever be left in a morgue or placed on a secret wait list for health care appointments. I thank the brave whistleblowers who come forward to protect our veterans. I also reiterate to Secretary McDonald, do the right thing and fire Mr. Wirtjes now.

Mr. President, I ask unanimous consent to have my letters dated September 1, 2016, and September 28, 2016, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 1, 2016.

Hon. ROBERT A. McDONALD,  
Department of Veterans Affairs,  
Washington, DC.

DEAR SECRETARY McDONALD: It has been brought to my attention by a whistleblower that the Edward Hines, Jr. Veterans Affairs Hospital has failed to treat the remains of unclaimed and indigent veterans with dignity and ensured burial within a reasonable amount of time. Specifically, whistleblowers report there are currently two veterans who have been left in the Hines morgue for over

a month. The graphic details of what happens to these remains without timely post mortem care is sickening and shameful. Your support to uncover the truth and protection for the employees who came forward on behalf of veterans is imperative.

The Veterans Health Administration Handbook 1601B.04 states that "if a Veteran dies . . . at a VA facility under authorized admission . . . and the Veteran's remains are unclaimed, the facility Director will request funeral and burial services to be procured through a contract."

I am asking, on behalf of all veterans at Hines VA, if a service contract with an established funeral home or two would allow for the timely transport of unclaimed or indigent veterans' remains to be prepared for burial and laid to rest. Whistleblowers also suggest the service relationships between Hines VA and some local funeral homes no longer exist because of the health risk posed by the extreme decomposition of remains after being stored for so long without post mortem care.

Finally, I would like information on the federal funds made available by the annual Military Construction and Veterans Affairs appropriations bill for the seamless transfer of unclaimed or indigent veterans' remains to local funeral homes. Ignoring the law or misusing funds is a clear disregard to the VA's standard operation procedure and possibly illegal.

Every hero who serves in our U.S. Armed Forces deserves a dignified final farewell from a grateful nation. To learn these veterans remains have been sitting in the morgue for over a month, sometimes longer, without proper post mortem care, is unacceptable and unjustifiable.

Just as no servicemember is ever left behind on the battlefield, no veteran should ever be left behind in morgue.

Therefore I ask for your immediate attention to correct this disgrace, demand that the two veterans who are currently in the morgue promptly receive a proper and respectful burial, and take appropriate disciplinary action against the person or persons responsible for letting this happen. I also ask that you launch a review of VA hospitals across the country to ensure that this mistreatment of our heroes' remains is not happening elsewhere.

Thank you for your immediate attention to this matter. I look forward to hearing from you.

Sincerely,

MARK KIRK,  
U.S. Senator.

U.S. SENATE,

Washington, DC, September 28, 2016.

Hon. ROBERT A. McDONALD,  
Department of Veterans Affairs,  
Washington, DC.

DEAR SECRETARY McDONALD: As follow up to our phone conversation last week, I write to reiterate that you should use your ability as the Secretary of Veterans Affairs to terminate Mr. Christopher Wirtjes from his post at Edward Hines Jr. VA Hospital in Hines, Illinois.

As I wrote to you on September 1, 2016, whistleblowers came to me last month reporting that the remains of indigent veterans, or those without next of kin, were left in the Hines VA morgue for inappropriate amounts of time following their death. At times, the remains of these veterans were left to badly decompose in the Hines morgue for upwards of 30 plus days before being properly released to a local funeral home for a dignified burial or cremation. At the time of my letter, the remains of two veterans had sat in the Hines VA morgue without any post mortem care for over 45 days. This is unacceptable.

These whistleblowers, who wish to remain anonymous for fear of retaliation and losing their jobs, brought forward information identifying Mr. Wirtjes, Chief, Patient Administrative Services (PAS), as the person responsible for this unacceptable situation. Mr. Wirtjes, according to whistleblowers, fails to do his duty of ensuring timely and respectful burials for our indigent veterans, and veterans without next of kin. Emails provided to my office show efforts by VA staff to get proper and timely approval of paperwork failed, despite available funds and an internal operating procedure to procure payment that is known and should be in place. The whistleblowers also state Mr. Wirtjes does not have a contract with an established funeral home to transport the unclaimed remains to be prepared for burial, per normal operating procedure.

I find this behavior unacceptable and another exhausting example of a culture of malfeasance and corruption at Hines.

This is not the first time Mr. Wirtjes has failed to perform his duties. The Office of Special Counsel's letter to the President from February 25, 2016 specifically named him as the manager who directed staff to manipulate patient appointments, directed staff to zero out patient wait times and directed the use of a separate Excel spreadsheet to track appointments. This resulted in a false appearance of acceptable wait times and masked significant delays in veterans' access to care.

Specifically, the Office of Special Counsel Analysis titled OSC File No. DI-14-2762 (Hines VA Hospital, Chicago, Illinois) regarding the VA's Office of Inspector General (OIG) investigations on manipulated wait times raised by whistleblowers states that the VA "OIG found only one manager, patient administrative services (PAS) chief Christopher Wirtjes, responsible for implementing these improper practices."

As a result, Mr. Wirtjes was merely given a 14-day administrative leave for his role in the scheduling manipulations. To add insult to injury, whistleblowers have informed my office that Mr. Wirtjes responded to this punishment by taking an additional 2-week vacation and upon his return continuously bragged about his VA commissioned "vacation."

The OSC analysis also stated that the OIG investigation confirmed that a senior manager instructed schedulers to manipulate scheduling data to hide the actual wait times experienced by veterans, however it provided no information on how the manipulations impacted veterans, and failed to provide corrective action. Is Mr. Wirtjes continuing to direct schedulers to manipulate wait times for care at Hines VA?

While manipulating the wait time for several departments according to the VA's own OIG investigation is unspeakable, continuing to leave in place a corrupt and inept chain of command to continue to harm our veterans, like leaving our unclaimed and indigent veterans in the morgue, is unforgivable. I find it irresponsible that the VA has left the one manager finger pointed as the mastermind of the manipulated scheduling practices in a position to continue overseeing scheduling, patient administration, health information management and decedent affairs.

Mr. Wirtjes must be held accountable now. Otherwise the corrupt culture of the VA will be justified and encouraged.

You have the ability to fire VA employees for misconduct. Congress gave you that power in Public Law 113-146. If manipulating scheduling wait times putting veterans' health at risk and failing to allow the burial of unclaimed veterans' remains is not misconduct, then I ask you what is. If you cannot make this happen within the next 30



days then I would like an explanation to Congress and 700,000 Illinois veterans.

America was built on the sacrifices of our service members. And as a grateful nation, we are indebted to our veterans who unselfishly served to fight for the freedoms we enjoy. No veteran who has served should be left for weeks without a proper and dignified burial.

Sincerely,

MARK KIRK,  
U.S. Senate.

### THE ADVANCING HOPE ACT

Mr. CASEY. Mr. President, today I wish to speak about S. 1878, the Advancing Hope Act. This is a bill I introduced with the support of my Republican cosponsor, Senator JOHNNY ISAKSON. This is a bipartisan bill that brings hope to some of our most vulnerable citizens: children living with rare diseases.

Despite significant unmet medical need, private companies seldom pursue new therapies for rare diseases because it requires making an investment in products that will likely not recoup the high costs associated with their research, development, marketing, and distribution. Developing products for children is particularly challenging because of the difficulties associated with conducting clinical trials in this population.

So, several years ago, former Senator Brownback authored the Creating Hope Act with Senator SHERROD BROWN. In 2011, I became the Senate leader on this bill, which provided an incentive for drug developers to pursue therapies for rare pediatric diseases. The goal was to bring hope to the millions of American children living with a rare disease.

Provisions based on the Creating Hope Act were included in the Food and Drug Administration Safety and Innovation Act, which became law in 2012. The new FDA program established three "priority review vouchers" that would be awarded to companies who develop a new drug for a rare pediatric disease. A company that earns a voucher can then sell it to another company, which can use the voucher to speed up the FDA's review time for one of its own new drugs. Companies that earn and then sell their vouchers can use that money to fund additional drug development to treat rare pediatric diseases. So far, seven vouchers have been awarded, including on the 19th of this month.

However, the pediatric priority review program is due to expire on September 30, just days away. In fact, it would have expired in March of this year, but Congress passed an extension through the end of fiscal year 2016 as the House and Senate worked on legislation to extend and improve the program. In July of 2015, I introduced S. 1878, the Advancing Hope Act, with Senator ISAKSON, to extend the pediatric priority review program. We had extensive consideration of the bill in the Committee on Health, Education, Labor, and Pensions, which voted fa-

vorably on the Advancing Hope Act in April 2016. Thanks to an agreement we reached here in the Senate on September 21, we were able to pass S. 1878 with an extension of the program through the end of this year, which included important policy changes to the program. I would like to thank my colleagues for working with me on this agreement. I hope that we will be able to come to further agreement later this year for a longer extension to the program.

The pediatric priority review program is important for families, and a longer extension is warranted. If this program is allowed to lapse, Congress will have broken faith with these children with rare diseases.

Last year, I went to the Children's Hospital of Pittsburgh and met with the Rinaldi family. I met Jennie Rinaldi and her daughter Adelyn, who was receiving treatment at the hospital. Adelyn was born with congenital hypophosphatasia, an extremely rare bone disorder. There are only a handful of children in the world with this disease.

At the time, Adelyn was receiving an experimental therapy for her condition. That drug, Strensiq, was later approved by the FDA in October 2015, and the drug sponsor received a priority review voucher. Strensiq is the first drug to treat hypophosphatasia. There are no other options. It is now available commercially, and Adelyn continues to receive treatment.

Just imagine for a moment the uncertainty that families like the Rinaldis live with every day. We owe it to these families to give them the peace of mind in knowing that this important incentive for drug development will continue. We cannot let this program expire. I am pleased that the House passed S. 1878 yesterday, and I hope that we can continue to work in good faith on a longer-term extension before the end of the year.

We need to provide certainty for drug developers so that they can count on this incentive when deciding to invest the time and money into drugs for rare pediatric diseases. We need to provide hope for the other children like Adelyn. On behalf of these children, we must incentivize companies to take on the challenges of developing new treatments for rare pediatric diseases.

### LYME AND TICK-BORNE DISEASE PREVENTION, EDUCATION, AND RESEARCH ACT OF 2015

Ms. AYOTTE. Mr. President, today I wish to speak on the importance of passing legislation to address a serious issue that impacts New Hampshire, New England, and the rest of the country each year, the issue of Lyme and other tick-borne diseases.

This fall, as the leaves begin to turn and temperatures start to drop, millions of Americans will head outdoors to hike and otherwise experience the beauty of nature. In my home State of

New Hampshire, hiking is one of the State's most popular recreational activities. New Hampshire is also among the 14 States through which the Appalachian Trail runs. Stretching from Georgia to Maine, the Appalachian Trail spans nearly 2,190 miles, and is hiked annually by 2 to 3 million people.

While our attention in the Northeast usually turns to the dangers of ticks in the spring and summer months, adult blacklegged ticks, also known as deer ticks, are still active in the fall. Approximately half of these deer ticks carry Lyme disease, and they have played a leading role in our Nation's dramatic rise in tick-borne diseases. While approximately 30,000 cases of Lyme disease are reported annually by State health departments, according to the Centers for Disease Control and Prevention CDC, the actual number of cases each year is about 300,000, making Lyme disease the most commonly reported vector-borne illness in the country. Underscoring that Lyme is no longer simply a regional problem, the CDC reports that the species of ticks that spread Lyme disease now live in 46 percent of the Nation's counties.

That is why I am continuing to urge my colleagues to join me in supporting the bipartisan Lyme and Tick-Borne Disease Prevention, Education, and Research Act, S. 1503. Working with Senator Blumenthal, I coauthored and introduced this legislation which is designed to better coordinate the Federal Government's response to Lyme and other tick-borne diseases by creating an advisory committee within the Department of Health and Human Services HHS. The committee established under our bill would be tasked with identifying best practices to combat tick-borne diseases and would be comprised of patients, advocates, researchers, medical professionals, and government officials. Our legislation would also require the HHS Secretary to coordinate efforts to strengthen disease surveillance and reporting, develop better diagnostic tools and tests, create a physician education program, establish epidemiological research objectives for Lyme and other tick-borne illnesses, and report to Congress on the progress of efforts to combat these devastating diseases.

The significant increase in cases of Lyme and other tick-borne diseases over the past decade is extremely troubling, and it demands a strong and coordinated effort at the Federal level. This critical legislation has been endorsed by nearly 100 Lyme and tick-borne disease patient groups, along with the Appalachian Trail Conservancy.

Despite the staggering statistics, the voices of those who are living and struggling with Lyme and other tick-borne diseases have not adequately been heard. Senator Blumenthal and I have put forth a commonsense, bipartisan legislative proposal that will bring greater attention to Lyme disease and give patients and their families a greater say in their care.

I ask my colleagues to cosponsor the Lyme and Tick-Borne Disease Prevention, Education, and Research Act, and I urge the Senate to follow the lead of the House by passing legislation that will help more effectively prevent, diagnosis, and treat Lyme disease.

Mr. BLUMENTHAL. Mr. President, as leaves begin to turn and temperatures begin to drop, millions of Americans will head outdoors this fall to hike. In Connecticut, hikers will flock to trails in the State's 107 parks and 32 State forests, which together account for more than 200,000 acres.

While ticks are often thought of as spring and summer pests, ticks that carry the disease are still active in the fall. According to the Centers for Disease Control and Prevention, CDC, Lyme disease is the most commonly reported vector-borne illness in the country, with more than 300,000 people becoming infected each year. The CDC also reports that the species of ticks that spread Lyme disease now live in 46 percent of the Nation's counties. The spread of Lyme disease, paired with a lack of action at the Federal level, has led tens of thousands of Americans to become infected, disrupting patients' lives and placing major emotional and financial burden on families.

With this in mind, I urge my colleagues to join me in supporting the bipartisan Lyme and Tick Borne Disease Prevention, Education, and Research Act, S. 1503. The legislation is designed to better coordinate the Federal Government's response to tick-borne diseases by creating an advisory committee within the Department of Health and Human Services, HHS, that would be tasked with identifying best practices to combat tick-borne diseases. The group would be comprised of patients, advocates, researchers, medical professionals, and government officials. The bill would also require the HHS Secretary to coordinate efforts to strengthen disease surveillance and reporting, develop better diagnostic tools and tests, create a physician-education program, establish epidemiological research objectives for Lyme and other tick-borne illnesses, and prepare regular reports to Congress on the progress of efforts to combat these devastating diseases.

The rapid rise in active Lyme and other tick-borne disease cases over the past decade demands a strong and coordinated effort at the Federal level to address the public health threat to our Nation. This critical legislation has been endorsed by hundreds of Lyme and tick-borne disease patient groups, along with the Appalachian Trail Conservancy, ATC. According to a 2014 Appalachian Trail hiker survey, 9 percent of respondents reported that they had been diagnosed with Lyme disease.

Our colleagues in the U.S. House of Representatives have already passed this critical legislation, and now it is our turn. I urge our Senate colleagues to join as cosponsors, and help pass this critical measure expeditiously. Thank you.

Mrs. GILLIBRAND. Mr. President, I rise today to speak in support of legislation to address a serious public health concern: the spread of Lyme disease and other tick-borne diseases in the United States.

In my home State of New York, there were 37,977 reported cases of Lyme disease between 2005 and 2014, one of the most heavily affected populations in the country. This disease affects hundreds of thousands of people around the Nation and is the most commonly reported vector-borne illness in the United States, with an estimated 300,000 people becoming infected each year. The species of ticks that spread Lyme disease now live in 46 percent of the Nation's counties.

If caught early, Lyme disease can be treated with antibiotics. Unfortunately, the disease can be difficult to diagnose because its symptoms mimic the symptoms of other serious diseases and because existing diagnostic tests still have many limitations. As a result, Lyme disease often goes undetected or misdiagnosed, making effective treatment of patients more difficult. Untreated Lyme disease can be debilitating and result in severe pain and suffering.

To help address this epidemic, I urge my Senate colleagues to help pass the Lyme and Tick-Borne Disease Prevention, Education, and Research Act, S. 1503. The House of Representatives approved this legislation over a year ago, and we must now come together to pass this bill in the Senate as soon as possible.

The Lyme and Tick-Borne Disease Prevention, Education, and Research Act, would coordinate Federal efforts to address Lyme and other tick-borne diseases. It would create an advisory committee within the U.S. Department of Health and Human Services, HHS, made up of patients, advocates, researchers, health care providers, and government officials tasked with identifying best practices for combatting tick-borne diseases. It would also direct the U.S. Secretary of Health and Human Services to carry out activities coordinated across agencies to improve data collection, develop better diagnostic tests, enhance prevention and public awareness activities, and support clinical research into treatments.

The prevalence of Lyme and other tick-borne disease cases in this country demands a strong and coordinated effort at the Federal level. The Lyme and Tick-Borne Disease Prevention, Education, and Research Act is a critical step toward ending this epidemic.

I strongly encourage my colleagues in the Senate to cosponsor and help pass this legislation to improve our Federal response to tackling Lyme and other tick-borne diseases. Thank you.

Ms. COLLINS. Mr. President, today I wish to speak about the issue of Lyme and tick-borne diseases. Fall is a beautiful time of year, especially in Maine, as it is the season for hiking, hunting, and leaf-peeping. Unfortunately, fall is

also tick season and a time of increased risk of Lyme disease.

Each year, 30,000 cases of Lyme disease are reported to the Centers of Disease Control and Prevention. The most recent CDC data noted that 96 percent of those cases were concentrated in just 14 States in the Upper Midwest and Northeast. Maine has one of the highest and fastest growing incident rates of the disease, with cases increasing from 225 in 2004 to 1,169 cases in 2014.

Fall is a time of heightened risk because the immature ticks, or nymphs, that fed heavily during the late spring and early summer have now molted into adults and must feed again. Although larger and easier to spot than the tiny nymphs, they are numerous and active.

Lyme disease was long thought to be a form of juvenile arthritis and was not identified as being spread by ticks until 1976. It is still considered an emerging disease and knowledge gaps remain. For example, diagnostic methods for tick-borne illnesses have not advanced as much as they should have. Consequently, the validity and accuracy of information regarding the incidence and geographic spread of the disease may be lacking. Now, another tick-borne disease called anaplasmosis is emerging, carried by the same blacklegged tick as Lyme disease and with symptoms that are similar in nature but often more severe.

The rapid spread of these diseases is alarming and makes it essential that Federal, State, and local health agencies, public health organizations, and the scientific community work together to improve prevention and detection efforts, as well as to accelerate research to address this crucial public-health challenge. This is the reason why I have cosponsored the Lyme and Tick-Borne Disease Prevention, Education, and Research Act introduced by Senators BLUMENTHAL and AYOTTE, which would help ensure that necessary resources are dedicated to fighting tick-borne diseases.

Prevention and treatment are crucial because there are currently no vaccines for Lyme disease, Rocky Mountain Spotted Fever, anaplasmosis, or other tick-borne diseases. In order to mount a strong national prevention and treatment effort, the legislation would create a tick-borne diseases committee that would consist of physicians, scientists, public health leaders, health agency officials, patients, and patient advocates. This national advisory body would help bring needed focus to improve reporting methods, better diagnostic tools, and more coordinated efforts from local to Federal levels.

With individual precautions, we all can reduce our risk of Lyme disease and other tick-borne illnesses and continue to enjoy the outdoors. With a national effort, we can stop the spread of these devastating diseases and protect the health of all. I encourage my colleagues to support this legislation.

## REMEMBERING SHIMON PERES

Ms. MIKULSKI. Mr. President, today I wish to honor the life and legacy of a dear friend, a great leader, a pioneer in his own right, someone I admire, and someone many of us have cheered on, President Shimon Peres. President Peres helped build Israel through hard work and tough diplomacy aimed at restarting peace talks, and championed Israel's security and prosperity until his last breath. A giant among statesmen and inspiration to so many, his passing marks an end of an era and is a great loss to Israel, the region, and the world; but his legacy lives on in his unwavering commitment to regional peace and in the future of the Jewish people where generations upon generations will build a better, safer, and more peaceful future.

Last night, we got the very sad news that President Peres passed away after suffering a stroke 2 weeks ago, and I want to come to the floor to speak about him.

We all know the biography. Born in Poland, he grew up in Tel Aviv and spent some time studying in the United States, including at Harvard University and New School for Social Research in New York. Since the mid-20th century, President Peres committed his life to advancing peace and reconciliation in the Middle East and addressing security issues that faced the region. He became the Director General of Israel's Ministry of Defense at the age of 29 and had an impressive political career that spanned seven decades, which included two terms as Prime Minister and one as President. He won the Nobel Peace Prize in 1994 for his role in negotiating the Oslo accords, along with Israeli Prime Minister Yitzhak Rabin and Palestinian leader Yasser Arafat. President Obama awarded him the Presidential Medal of Freedom in 2012. A further testament to his hard work, commitment to his country, and legacy, he continued to engage on matters of importance to Israel after leaving public office in 2014.

I have known and observed President Peres for a long time, in particular, during my almost 40 years in Congress, and I can say that we have much to celebrate in him, starting with one of the greatest achievements of the 20th century—the founding of the modern State of Israel, which followed the most incomprehensible and evil event of the 20th century, when the Nazis, with the complicity of so many others, sought to exterminate a people. Peres, along with survivors of the Holocaust, helped to build modern Israel, and as a result, never again will the Jewish people be dependent on anyone else for their security.

I met with then-President Peres on my last trip to Israel in 2012, and, as with every engagement we have had, I was reminded of his strong commitment to regional peace that I believe changed the course of Israel's history in so many areas—defense, the occupation of the West Bank, the economy,

and the peace process itself. Now, I have been a longtime friend and supporter of Israel, and I also have had the great honor in my years in the Senate to be on the committee that provided billions in foreign assistance and missile defense to Israel and ensured Israel had the resources it needed while enforcing current and potential future sanctions against Iran. So I have been a close observer of Israel and seen Peres up close and personal.

What I can say about him is that, in our conversations, I told him my support for Israel is unabashed and unwavering and that I will continue to be a voice for Israel and a vote for Israel in the U.S. Senate. I said the United States will always stand by Israel since we are bound together by our common values, by history, and by our shared national interests. I said that support for Israel must be unflinching and unflagging and that the United States will continue to make sure that Israel maintains its qualitative edge—the ability to counter and defeat any military threat. We have had good conversations over the years, so I could not be more emphatic when I say that his legacy, along with his status as the last surviving member of Israel's founding generation which we cannot ignore, puts him in his own category among Israel's most iconic political figures.

Israel has had to endure many wars and live in constant readiness for battle under the constant threat of terrorism; yet the people of Israel have remained strong and resolute, a testament to the legacy of Shimon Peres.

Today we honor the life and legacy of our friend Shimon Peres, and all friends of Peres and Israel should recommit ourselves to ensuring the survivability and viability of the State of Israel, now and forever. I will miss my dear friend, but look forward to a future of peace, prosperity, and friendship that will live on.

## MONTREAL PROTOCOL 28TH MEETING OF PARTIES

Mr. CARDIN. Mr. President, today I wish to express my support for a successful 28th meeting of parties to the 1989 Montreal Protocol on substances that deplete the ozone layer, scheduled to take place next month in Kigali, Rwanda. The 28th meeting of parties, commonly referred to as MOP28, is undertaking the incredibly important task of reaching an agreement on an amendment to the Montreal Protocol to phase down the worldwide production and application of hydrofluorocarbons, HFCs, which are incredibly potent, short-lived, greenhouse gases most commonly used as refrigerants in air conditioners and for cold storage. Phasing down HFCs is a critically important step towards realizing the enhanced ambition goals of the Paris Agreement to limit the rise in global average temperature to 1.5 degrees Celsius.

I fully support MOP28's aims of reaching an agreement that is high on ambition and expeditious in its timeline. There is no time to lose if we, as a global community, are to act successfully to stem the causes of the Earth's rapidly changing climate system.

Prior to the Montreal Protocol's implementation, the Earth's ozone, O<sub>3</sub>, the thin layer of concentrated O<sub>3</sub> in our atmosphere responsible for regulating the intensity of the Sun's penetrating ultraviolet, UV, light, had developed massive holes near the Earth's poles and had worn dangerously thin around most of the world. A diminished ozone layer poses serious threats to human health by proliferating skin diseases from overexposure to UV light, seriously harms global crop yields and agricultural production, and hastens the useful life of a variety of plastic materials utilized in a variety of outdoor applications.

The Montreal Protocol's incremental approach to phasing out harmful ozone depleting substances, ODSs, is a testament to how inclusive and transparent approaches to multilateral environmental agreements that incorporate constructive inputs from affected industries and the scientific community can achieve positive environmental results. Starting with the phase out of chlorofluorocarbons, CFCs, the worst-of-the-worst ozone depleting substances, followed by the phase out of hydrochlorofluorocarbons, HCFCs, these agreements have the Earth's ozone on track to be fully recovered by 2065.

Hydrofluorocarbons, HFCs, are the chemical refrigerant alternative that replaced HCFCs and CFCs. Unfortunately, HFCs are extreme greenhouse gases. Some HFCs are 4,000 times more potent greenhouse gases than carbon dioxide. The fairly recent expansion of mass production and worldwide use of HFCs, post-HCFC and CFC elimination, are believed to have significantly contributed to the recent worsening of the global climate crisis.

While the Montreal Protocol is designed to address ODSs, not climate change, the decision was made at the Montreal Protocol's 27th meeting of parties in Dubai that the Montreal Protocol provides an effective mechanism to address this family of chemicals effectively.

According to the U.S. Environmental Protection Agency, EPA, "HFC use and emissions are rapidly increasing as a result of the phase out of ozone-depleting substances (ODS) and growing global demand for air conditioning and refrigeration. The continued emissions of HFCs—primarily as alternatives to ODS and as byproduct emissions of HFC-23—are having an immediate and significant effect on the Earth's climate system. Without further controls, HFC emissions could largely negate the climate benefits achieved under the Montreal Protocol."

The United States has demonstrated exceptional leadership with respect to

phasing down HFCs on all fronts. U.S. chemical producers and the refrigeration manufacturing sector have led the world in developing safe, effective, and commercially viable refrigeration chemical alternatives, namely hydrofluoroolefin, HFO, and hydrocarbon, HC; refrigerants, that neither pose significant threats to the ozone nor the climate crisis. In addition to making these technological advances, the industry has helped bring countries to the table and fully supports adopting an ambitious HFC amendment to the Montreal Protocol in Kigali.

The U.S. is taking bold domestic political action to promote a significant reduction in the use of HFCs in the marketplace by promulgating some of the world's most ambitious domestic HFC abatement policies. This action provides the U.S.'s delegation to the Montreal Protocol with a strong footing to lead by example when it comes to advancing an ambitious agreement to phase down HFCs globally as quickly as possible.

The United States and our North American neighbors Mexico and Canada have put forward one of the most ambitious HFC amendment proposals for consideration at MOP28. Moreover, our amendment has broad support from developing and developed countries on every continent. According to the State Department, more than 120 parties to the Montreal Protocol have expressed support for the policy concepts in the North American amendment proposal.

I want to congratulate the hard-working diplomats, negotiators, and policy experts at the U.S. State Department, the Commerce Department, and the EPA who have masterfully developed and rallied support for an ambitious proposal. While I am confident a deal on a new and effective HFC amendment to the Montreal Protocol is within reach, there is certainly still some diplomacy necessary with some very important parties to the Montreal Protocol, and I encourage our delegation to continue working with these parties in Kigali.

Phasing down the global presence of HFCs is the low-hanging fruit in the global effort to combat climate change. If we are going to be successful in achieving the goals of the Paris Agreement, we need to do the easy things first. So let's act fast and effectively to get potent HFC greenhouse gas reductions as soon as possible. These are noncontroversial steps we can take to abate climate change that should absolutely have bipartisan support from Congress.

Thank you.

#### ENSURING JUSTICE FOR DISAPPEARED PEOPLES IN MEXICO

Mr. CARDIN. Mr. President, today I wish to observe the second anniversary of the forced disappearance of 43 students in the Mexican state of Guerrero, a tragedy that continues to haunt the

students' families and friends. I also rise to speak to the endemic challenges posed by cases of missing and disappeared persons across Mexico and to appeal to President Pena Nieto and Mexico's political leaders to be more responsive and transparent on this critical issue.

On the evening of September 26, 2014, in a series of events that the New York Times has characterized as a "night of terror," local police from the town of Iguala turned their weapons on the civilian population and colluded with the criminal organization known as the Guerreros Unidos to target and terrorize students from the Escuela Normal Rural Raul Isidro Burgos, which is a teachers' college. By the end of that night, 6 people were killed, 25 were injured, and 43 students were forcibly "disappeared" in a tragic story that has echoed around the globe.

As links between the U.S. and Mexico abound and given the more than 33 million Mexican-Americans and Mexicans residing in the United States, the disappearance of the 43 students has been felt deeply throughout our country.

Whether it is in California, Texas, Arizona, Illinois, New York or Maryland, almost all of our States are home to large, dynamic Mexican-American communities that remain in contact with friends and families throughout Mexico. Many of our constituents have direct and personal ties to the tragedy that took place in Iguala and the broader crisis of unresolved disappearances in Mexico.

In the 2 years since the disappearance of the 43 students, it is important to recognize that there have been critical advances in the investigations. Moreover, I want to recognize the Government of Mexico's decision to work with the Inter-American Commission on Human Rights, IACHR, to create an Interdisciplinary Group of Independent Experts, GIEI—by its initials in Spanish—which has provided invaluable technical assistance for the investigation, as well as key recommendations to strengthen ongoing investigative efforts.

It is imperative to note, however, that the GIEI faced repeated obstacles such as restricted access to key documents and individuals and found significant inconsistencies in the Mexican Government's investigation, including incidents of mishandled evidence.

It is also important to note that the experts found evidence which indicates that members of the federal and state police may have joined the local police in colluding with the criminal organizations involved in the disappearance of the students. In addition, members of the Mexican Army's 27th Battalion were discovered to have been at the scene of the crime and closely involved in the fatal events of that night. And we cannot overlook the fact that 2 full years after the students' disappearance, there has not been a single criminal conviction in the case.

For these reasons, I urge President Pena Nieto and his administration to

take all necessary steps to make operational a special follow-up mechanism for the investigation the IACHR established in July. This follow-up mechanism will include two IACHR-appointed advisors responsible for working with Mexican authorities and monitoring further action on the group of experts' recommendations.

Continued progress on this case is critical. My staff has met directly with the families of the 43 students, and we cannot let their call for justice end in impunity. So whether it includes pursuing new leads, discarding flawed theories, granting broader access to case files, or removing officials who have obstructed the investigation, I appeal to President Pena Nieto and his administration to ensure that the investigation has the full political backing and sufficient resources to achieve the needed results.

I also want to speak to how the case of the 43 students is representative of the endemic challenge of missing and disappeared peoples across Mexico. According to its own statistics, since 2007, the Mexican Government has documented more than 28,000 cases of missing and disappeared people. In fact, in the months after the students' disappearance, as investigators and families of disappeared persons fanned out across Guerrero state, they encountered numerous mass graves of victims of unknown crimes and carnage. So the resolution of this case is particularly symbolic as it would give hope to the thousands of Mexican families who have relatives who have disappeared.

I want to recognize President Pena Nieto's decision to submit draft legislation last December for a general law to prevent and punish the crime of disappearances, which would establish obligations for federal, state, and local authorities and improve coordination across jurisdictions. I appeal to members of the Mexican Senate and Chamber of Deputies to pass this important legislation. By prioritizing this issue and providing increased budgetary, forensic, and technological resources, Mexican authorities can ensure justice for the tens of thousands of Mexican families who have suffered the disappearance of a friend or loved one.

Finally, I want to call upon the State Department and our Embassy in Mexico City to use their diplomatic discussions with the Mexican Government to offer all relevant assistance and to underscore the importance of learning the truth about the disappearance of the 43 students and the broader issue of missing and disappeared people. We must stand ready to support our Mexican partners as they pursue justice in these critical cases, which have touched the lives of too many Mexicans and, in turn, our constituents here in the United States.

# 100TH ANNIVERSARY OF THE 38TH INFANTRY DIVISION

Mr. DONNELLY. Mr. President, today, I wish to recognize the 100th anniversary of the 38th Infantry Division, ID, and honor the soldiers of the 38th ID for their service to our Nation.

The division was first activated in August of 1917 as a National Guard division composed of units from Indiana, Kentucky, and West Virginia. The division was originally conducting initial training at Camp Shelby, MS, when a tornado touched down, prompting MG Robert L. Howze to give the 38th ID the nickname the "Cyclone Division." The Cyclone Division would later deploy to Europe during World War I and lost 301 soldiers.

The division returned to service in January 1941 in response to the attack on Pearl Harbor and the start of World War II. The 38th Infantry Division took part in the New Guinea, Southern Philippines, and Luzon campaigns where they would earn their second nickname, "the Avengers of Bataan," bestowed on them by GEN Douglas MacArthur.

The Cyclone Division also served in the Vietnam war where the Company D Rangers, 151st Infantry of the 38th ID were among a few National Guard units to serve and became one of the country's most highly decorated units.

Since September 11, 2001, the 38th ID has sent soldiers to serve in a wide range of missions, including Operation Joint Forge in Bosnia, Operation Joint Guardian in Kosovo, Operation Iraqi Freedom, and Operation Enduring Freedom in Afghanistan.

The 38th ID also answered a different kind of call when it assumed command of all National Guard elements deployed in Mississippi in response to Hurricane Katrina. The 38th Infantry Division continues to deploy soldiers worldwide in support of our national defense.

I am proud to honor 38th Infantry Division soldiers past and present on this special anniversary. Thank you to the men and women of the Cyclone Division for their steadfast defense of our Nation and their service to their home States, including Indiana. I wish the 38th Infantry Division another 100 years of setting an exemplary standard for our total force.

## 17TH HONOR FLIGHT OF HONOR FLIGHT NORTHERN COLORADO

Mr. GARDNER. Mr. President, today I wish to honor the veterans of the Honor Flight Northern Colorado and the organization's 17th trip to Washington, DC. More than 120 veterans have traveled to our Nation's Capital to visit the memorials that stand in their honor. This group includes veterans from various wars and generations, but all are linked by their service to our country.

Ten years ago, the Honor Flight was created to fly veterans that had served

in World War II to Washington, DC, so they could visit the World War II memorial. Now, the Honor Flight welcomes veterans from across the country to fly to Washington, DC, free of charge, to visit the memorials of the wars in which these heroic veterans fought. No words are sufficient to show the gratitude and respect we all have for the courageous men and women who have protected our Nation. These veterans have preserved our rights to life, liberty, and the pursuit of happiness.

Of the 123 veterans on the most recent honor flight, 20 served in World War II, 34 served in Korea, and 69 served in Vietnam.

Please join me in honoring Fredric Arnold, Gene Bennett, C.H. Clark, Lillian Crosley, Raymond Dickey, Darwin Dixon, James Edmisten, Jimmie Godsey, Louis Hamman, Delbert Haynes, John Hess, Robert Horton, Dolores Kochheiser, Harry Maroncelli, Elmer McGinty, Frank Occhiuto, Robert Schueneman, Raymond Valadez, William VanBeber, William Way, Richard Bernhardt, Harold Bohm, Lee Boylan, George Brandt, Casper Brixius, James Comer Jr., Russell Daniels, Ralph Darrough, Ross DeBey, Garold Fox, S. Gilbert Garcia, Ronald Gillam, William Harrison, Virgil Hecker, Allan Hedberg, Dennis Lance, Gordon Leben, Albert Lowe, Jimmy Martin, Francis McKenna Jr., Ernest Medialdea, James Montgomery, Delmer Moss, James Petrie, William Pool, Carroll Quick, Robert Ray, Kennedy Roode, Al Schott, William Sherman, James Shuey, Donald Trettenero, Herbert Wenger, Eugene Ziehme, Roy Armstrong, Wilbur Boegli, Cary Bott, Thurman Bradley, Claude Buehrle, Robert Bullard, John Carpenter, Terrence Carroll, Robert Cofone, Larry Coldren, Paul Conley, Byron Daniels, Robert Davis, Mark DeDecker, Michael Doherty, Gary Dorsey, Mark Drake, Dale Eggleston, Jerry Eldred, Gary Ellerman, Daniel Ferguson, William Fisher, Roy Friesen, Glenn Fulcher, Glenn Gaines, Jerry Graham, Paul Graves, Dwight Gutsche, Percy Hamilton II, Christopher Harris, Robert Hawkey, William Hellyer, Thomas James, Normann Kegerreis, Michael Krier, LeRoy Lawson, Harold Lif, Peter Lister, Jimmy Lofink, William Margheim, Dallas Maurer, Kevin McGrath, Richard Miller Jr., David Naylor, Wesley Nelson, Richard Norris, Larry Perkins, Robert Randall, Danny Robinett, Robert Rutz, Robert Schrader, Billy Schwindt, Jackie Scott, David Sellers, David Shigley, Tommy Silva, Kenneth Skoglund, Darrell Smith, John Smith, Farrell Spencer, Edward Stephens, Stanley Suichta, Martin Trembl, Kerry Tyler, Linda Tyler, Daryl Vande Hoef, Thomas White, Terry Willert, and John Young.

## TRIBUTE TO CAPTAIN R. ANDREW MURRAY

Mr. TILLIS. Mr. President, I rise today to recognize the military service

of CAPT R. Andrew Murray on the occasion of his retirement from the U.S. Coast Guard. I commend Captain Murray's Coast Guard career and offer my thanks for his 35 years of faithful service to our country. Although he has gone ashore for the last time as a coastguardsman, his commitment to public service continues in North Carolina. As a civilian, Captain Murray has acted as the elected district attorney of Mecklenburg County since 2011.

Captain Murray enlisted in the Coast Guard in 1980, serving 6 years of Active Duty as an aviation electronic technician and helicopter flight crewman. He then became a Reservist and received a commission as an officer through the Reserve Officer Candidate Indoctrination School, ROCI.

Meanwhile, Captain Murray graduated from the University of North Carolina at Charlotte in 1992 with a bachelor of arts in political science. He received a juris doctorate from the University of North Carolina School of Law, and he is a member of the North Carolina Bar.

Throughout his career as an attorney and eventually as district attorney of Mecklenburg County, Captain Murray also served in a number of roles as a Reserve officer. He acted as the senior Reserve officer of Group Charleston, SC; a senior analyst for the Coast Guard Counter Terrorism and Defense Operations Unit; and the senior Reserve officer of Sector Charleston, SC.

As a Reservist, Captain Murray has also been called to Active Duty. In 2013, he received the call to serve as the legal adviser for the Gulf Coast Incident Management Team in New Orleans, LA, where he contributed to Operation Deepwater Horizon, the Federal cleanup effort for the massive oil spill of 2010.

Captain Murray most recently served as the Western Rivers and Coastal Region senior Reserve officer for the Eighth Coast Guard District. He was responsible for monitoring the readiness of 870 Reservists assigned to the Coast Guard's Eighth District, which comprises of seven sectors, spans 26 States, and covers more than 12,000 miles of river and coastline. His outstanding leadership assured the availability of a robust reserve capacity to respond to all subsequent contingencies, including a 30,000-gallon fuel spill and extreme Midwest regional flooding. At his recent retirement ceremony, Captain Murray was honored with the Coast Guard Meritorious Service Medal for his leadership in this post.

Captain Murray's other decorations include three Coast Guard Commendation Medals, the Coast Guard Achievement Medal, and the Coast Guard 9/11 Service Medal.

I offer Captain Murray my warmest congratulations and appreciation for the many years he has spent protecting this Nation, saving lives, and performing his faithful duty as a U.S.

Coastguardsman. I ask my fellow Senators to join me in saluting Captain Murray for his service.

#### REMEMBERING HENRY SHELTON

Mr. REED. Mr. President, today I wish to recognize and honor the life and significant accomplishments of Henry Shelton, a tireless advocate for Rhode Island's poorest citizens, who passed away on September 21, 2016. Our world is a better place because Henry was in it, and he will be sorely missed.

Born and raised in Central Falls, RI, Henry served as a priest in Providence, where he began his lifelong fight for those in need. After leaving the priesthood, he led the Coalition for Consumer Justice and founded the Pawtucket-based George Wiley Center, where he served as director for over 30 years. Henry empowered low-income Rhode Islanders to push for social change and policies to alleviate poverty and provide access to basic needs. He truly put the word "active" into activism. From protesting in the street to arguing in the courtroom, Henry made a difference in the causes he championed, including securing bus passes for the elderly, working to provide free school breakfast and summer meals for low-income children, and promoting access to unemployment services, to name a few.

Henry Shelton's legacy is perhaps most felt in his work to lower utility costs and to help low-income families with their energy bills so that their heat or electricity was not turned off. New England winters can be particularly brutal. Henry understood that paying utility bills is a real struggle for those who are trying to make ends meet. His mission was to make sure that no one was left out in the cold. He was a vocal supporter of the Low Income Home Energy Assistance Program, LIHEAP, which I too have long championed, to provide vital assistance to help low-income households, seniors, and veterans pay their energy bills. Accessing this assistance is not automatic and each year individuals have to prove their eligibility. That takes a lot of work by dedicated individuals on the ground who help people enroll and get the assistance they need. Henry was unrelenting in working for each and every person who needed help.

Henry played this essential role by bringing LIHEAP funds and protections across the finish line. He worked to make sure families understood their rights, could navigate the utility assistance process, and were able to access payment forgiveness plans when needed. Indeed, Henry was such an effective advocate that when Rhode Island State lawmakers passed a bill allowing for a utility payment-forgiveness program for low-income, disabled, and elderly Rhode Islanders, they named it the Henry Shelton Act.

Henry received a number of awards for his work, including the Providence Newspaper Guild's John F. Kiffney

community service award, which is given to a Rhode Islander "whose caring, courage and humor light the way for those who follow," and he was inducted into the Rhode Island Heritage Hall of Fame in 2015. Despite his many accomplishments, Henry was exceptionally humble, never seeking praise or recognition for his work to help others.

I ask that my colleagues join me in remembering Henry Shelton, who was kind, caring, courageous, and passionate about helping and empowering those who were less fortunate. I offer my heartfelt condolences to Mr. Shelton's wife, Carol; his sisters Rosemarie and Catherine; his five children, Joseph, James, Patrick, Eamon, and Caitlin; and grandchildren, Benjamin, Mathew, Henry, Emmett, Frederic, and Felicity. I know that Henry's constant example of good will and selflessness will continue to sustain and inspire his family and all of us.

#### REMEMBERING ERIC VON BROADLEY

Ms. BALDWIN. Mr. President, today I wish to honor the life and legacy of Eric Von Broadley, known throughout the country as Eric Von, whose untimely passing at the age of 58 has left the Milwaukee community without one of its most thoughtful African-American leaders. Over the last three decades, Eric Von has been a bridge builder, a healer, and an important voice in Milwaukee's African-American community.

Eric was a 25-year veteran of the radio industry, starting his career as a disc jockey and then moving into news as a reporter and anchor. He served as the business manager for Radio One in Washington, DC. Then, when his career took him from Washington, DC, to Milwaukee, he became the director of operations for the former 1290 WMCS radio.

It did not take long before local news programs sought out his gravitas as a commentator. Eric became a regular panelist on Wisconsin Public Television's Interchange and the cohost of "Black Nouveau." Milwaukee ABC network affiliate, WISN Channel 12, turned to Eric's influence in the community to motivate people to vote in local and national elections. Eric became a special assignment reporter and cohost of "It's Your Vote," a weekly political affairs show which featured candidate forums, debates, and voter education information.

Beyond broadcast journalism, Eric was the managing partner of the public relations firm he founded, Von Communications. In addition, Eric Von and his wife, Faithe Colas, cofounded an online health magazine committed to improving the health of African-American men, known as Brain, Brawn & Body.

Eric was a fearless opinion leader. As a broadcast journalist, he spoke frankly and from the heart on the day's most controversial social and political

issues. He was brave enough to take on the stereotypes and misconceptions that divide Milwaukee and do it in a way that earned the respect of even his strongest detractors. And in a city where inflammatory talk radio is prevalent, his was a voice of reason in the debate over inequality and injustice.

He was known for speaking the truth about Milwaukee's racial divide and using his platform as a vehicle for positive change. Just last month, I had the honor of speaking with Eric about the recent unrest in Milwaukee's Sherman Park neighborhood that was tied to lack of job opportunities in the central city. We discussed how we could work together to bring healing to the city, and we promised to speak again soon to find solutions that will build a stronger Milwaukee community.

Eric Von was the loving husband of Faithe Colas; father of Erica Broadley, Bria Culp, and Paige Colas; and grandfather to Domonic Patten and Erielle Taylor. He leaves behind a host of family and friends that truly loved him and will miss him dearly.

As we honor the life of Eric Von Broadley, I join with mourners across the Milwaukee community in pledging to continue Eric's fight for equal opportunity and to honor his legacy of action.

#### TRIBUTE TO DAVID AND LIANE PHILLIPS

Mr. PORTMAN. Mr. President, today I wish to recognize cofounders David and Liane Phillips on the 20th anniversary of Cincinnati Works.

Cincinnati Works began with the dream of founders Dave and Liane Phillips to eliminate poverty in the community. As a result of significant research and review of best practices in workforce development programs across the Nation, a program model was developed which focused on job retention and advancement rather than simply job placement.

Since its opening in 1996, Cincinnati Works and the Phillipses have helped to provide hope and encouragement for thousands of people living in poverty, assisting in advancing self-sufficiency through employment.

Cincinnati Works offers a comprehensive approach to eliminating poverty in the Tri-State area through a network of job services and employer partnerships. The contributions and dedication the organization has shown is commendable and continues to be a vital asset in the community.

I applaud the outstanding commitment of David and Liane and all who were involved in reaching this milestone. I congratulate and thank them for making the first 20 years of Cincinnati Works a success.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JOHN G. CENTANNI

• Mr. BOOKER. Mr. President, today I wish to recognize John Centanni, a



firefighter, lifelong Newarker, and friend who is retiring from the Newark Fire Department after 30 years of dedicated service. A true public servant, John has guided the Department since 2010, providing steady leadership during a critical time.

John G. Centanni was born to John and Pamela Centanni on July 25, 1965, in Newark, NJ, where he was raised with his younger sisters, Marlene, Angela, and Cassandra, in the city's North Ward. In 1986, at the age of 20, John fulfilled a childhood dream when he became a Newark firefighter. Over the three decades that followed, John advanced through the ranks, serving as captain, battalion chief, deputy chief, chief of staff to the battalion director, and finally, fire chief.

Assigned to Engine 6—one of our Nation's busiest—John quickly became known for his exceptional work ethic and commitment to safety. As a firefighter, he earned numerous commendations for courage, valor, and heroism, including two Individual Lifesaving Awards from the Newark Firefighters Union. In 1992, he was inducted into the Police and Firemen's Insurance Association Heroes Hall of Fame, in recognition of his lifesaving work.

In 2010, John's substantial experience, impressive record of leadership and service, and great reputation among his fellow firefighters made it easy for me to select him as Newark's fire chief. During his tenure at the helm of New Jersey's largest municipal fire department, John was instrumental in securing Federal funding for equipment upgrades and maintaining crucial relationships and mutual aid agreements with sister fire departments. These accomplishments made Newark and our State safer, saving countless lives.

John will retire from the city of Newark on October 21, 2016. His career of three decades, spent exclusively with the Newark Fire Department, has been marked by incredible heroism and service. It is a true honor to formally recognize Fire Chief John G. Centanni for the contributions that he has made to the citizens of Newark throughout his career, thank him for his tremendous service, and wish him happiness in a well-deserved retirement.●

#### TRIBUTE TO STANLEY S. FINE

● Mr. CARDIN. Mr. President, it gives me great joy to congratulate a dear friend, Stanley S. Fine, who is being rightfully honored next month by the Baltimore District Council of the Urban Land Institute, ULI, with its 2016 Lifetime Achievement Award. The Lifetime Achievement Award is given to an individual who has been a recognized leader in the development community; who has touched all aspects of development including acquisition, design, finance, and implementation; who has volunteered his or her time and/or resources to help advance the industry; and who commands the admiration and

respect of his or her peers for lifetime accomplishments. I doubt there is any other individual as deserving as Stanley, a native Baltimorean, to receive this recognition.

My wife, Myrna, and I have known Stanley since we were all in junior high school. One of the most important things to know about Stanley is that he is always ready to offer a helping hand. I doubt any of us know just how many people Stanley has helped over the years; because of his inherent modesty, he never seeks acknowledgment or recognition or accolades. In 1982, Stanley's wife, Bailey—a dedicated and accomplished public servant—ran my reelection campaign to the Maryland House of Delegates and then served as my campaign aide during my first congressional race in 1986; as my district director for 20 years; and, finally, as my State director during my first term in the Senate before she retired at the end of 2012. Stanley and Bailey will be celebrating their 45th wedding anniversary on November 28. They have two lovely adult children, Michael and Laura, and three grandchildren. Michael and his wife, Whitney, have two daughters, Riley and Blakely; Laura and her husband, Ben Liebman, have a son, Eli.

Stanley is a partner in the law firm of Rosenberg Martin Greenberg, LLP. He has been representing developers and businessowners in high-profile Baltimore city land use and zoning matters for 35 years. The city's skyline and neighborhoods, from office buildings to shopping centers and local businesses, from industrial buildings and office parks to neighborhood restaurants, reflect Stanley's tremendous impact on Baltimore. Over the years, Stanley has cultivated long-term relationships with developers, engineers, architects, attorneys, planners, city and State officials, preservationists, conservationists, and others engaged in real estate development. These relationships, coupled with Stanley's legal acumen and personal commitment to the city of Baltimore, have helped him to bring prominent and challenging commercial, industrial, and residential projects to realization. Stanley is a consensus-seeker and always finds creative solutions for each project—solutions that serve the interests of his clients, the government agencies involved, the community, and other stakeholders. As ULI Baltimore District Council coordinator Lisa Norris stated, "Throughout Stanley's career his priority has been to make the City of Baltimore a better place in which to live and work."

Stanley is a cofounder of the Baltimore Development Workgroup and previously served as the director of the Maryland State Lottery Agency and chairman of the Maryland State Lottery Commission. He is a former member of the Baltimore City Planning Commission and president of a community association. Best Lawyers in America magazine has recognized

Stanley as "Land Use & Zoning Lawyer of the Year" for 2011 through 2014 and as one of Maryland's top land use and zoning attorneys in the 2007 through 2017 editions. And he has made the list as one of "Maryland's Super Lawyers" in the 2007 through 2013 and 2015 through 2016 editions of Baltimore Magazine. Stanley received his B.A. from Johns Hopkins University in 1965 and his J.D. from the University Of Maryland School of Law in 1969.

In addition to being a superb lawyer, Stanley is an exceptional athlete. While he was a freshman at Johns Hopkins, he played in the first game of Baltimore's box lacrosse league, televised live in 1962, and scored a game-high four goals for his club team, which won the game. At the university, he was the backbone of a tenacious midfield for the Blue Jays varsity lacrosse team and joined the Phi Sigma Delta fraternity.

I think Stanley's colleague Benjamin Rosenberg, the founder and chairman of Rosenberg Martin Greenberg, summed it up best, saying:

... this award is long overdue recognition of the major role Stanley has played in the life of our City. Over the past several decades there have been very few significant real estate developments in Baltimore that Stanley has not had an important hand in. He has also been a behind the scenes confidante and sounding board for virtually every public official at the State and local level. They rely on Stanley for practical, discreet advice and counsel. Take a walk over to City Hall or a trip to the State House with Stanley and you'll see what I mean. While some people may think of Stanley as Bailey's sidekick or Michael and Laura's dad or one of the greatest left-handed shooters who ever played lacrosse, wherever you look at bright spots in Baltimore, chances are you'll see something that Stanley has helped bring about.

The epitaph in St. Paul's Cathedral for Sir Christopher Wren reads, in part, "si monumentum requiris, circumspice," which means "if you seek his monument, look around you." What is true for Christopher Wren in London is true for my friend Stanley Fine in Baltimore. I ask my fellow Senators to join my wife, Myrna, and me and Stanley's colleagues, peers, family members, and his legions of friends and admirers in congratulating him on receiving such a richly deserved Lifetime Achievement Award from ULI Baltimore.●

#### REMEMBERING CHARLES CAWLEY

● Mr. CARPER. Mr. President, on behalf of Senator CHRIS COONS and Congressman JOHN CARNEY of Delaware, I would like to set aside a few minutes today to reflect on the life and work of the late Charles "Charlie" Cawley. He was a Delawarean who created a division called Support Services to employ hundreds of people with intellectual or developmental disabilities and enhance their quality of life as employees of MBNA Corporation, the successful credit card business he founded which was later acquired by Bank of America in 2006.

Charlie made it his mission to give back to the communities in which he and his employees lived. Over the course of more than two decades, his company and its employees gave more than \$50 million to organizations and innumerable worthy causes. One major way that Charlie and the people of MBNA helped transform those communities was through a division of MBNA called Support Services. Now a division within Bank of America, it currently employs more than 300 associates with intellectual or developmental disabilities at Bank of America offices in Delaware, Maine, and Texas. These employees handle a variety of tasks, some of which include manual package assembly, performing quality control on automated teller machines, printing t-shirts, letter folding, and mailing and processing detailed, confidential documents. Employees receive a competitive salary, full benefits, and the opportunity to grow professionally and build relationships with mentors at the bank.

It all began when Charlie was out to dinner with friends who felt their disabled son had little opportunity for employment and independence, so Charlie hired their son—and three others—and not long after, Support Services was born. Charlie knew there was value to this division, and with an abiding commitment to supporting individuals with disabilities, he grew the division to more than 200 employees. When Bank of America acquired MNBA, the division could have been downsized or even eliminated; however, Bank of America's vice chairwoman Anne Finucane saw an opportunity to involve Support Services in more aspects of the bank's businesses, not less, so the program was expanded even further.

Contributing significantly to the success of Support Services is that its employees are treated the same as other employees of the bank. Managers look at the team as a whole, determine what skills each member possesses, and then provide the conditions needed to foster success. Doing so has helped to ensure that the efforts of Support Services employees, which require near perfect accuracy and high efficiency rates, are met with success. In the early years of the division, many clients of Support Services were skeptical that people with disabilities would be able to complete the very meticulous and time-sensitive tasks in which this division specializes; however, those high expectations are always met and very often exceeded.

Support Services is a quiet gem that has given hundreds of employees the opportunity to build confidence and independence. It is a blessing in their lives. From recognizing project accomplishments, milestones, and promotions, to celebrating weddings and the birth of children, there is no shortage of success stories to come out of such a positive and impactful area.

Support Services is more than a division of the bank; it represents an op-

portunity to make a meaningful contribution every workday of their lives. Support Services has survived mergers and acquisitions because the potential value that Charlie once envisioned over dinner with his friends many years ago has been enthusiastically embraced by a new generation. Sadly, Charlie passed away in 2015, but his legacy of giving lives on through this program and its employees who together comprise the Charles M. Cawley Support Services team. Long may they serve.●

#### TRIBUTE TO GEORGE TAKEI

● Ms. HIRONO. Mr. President, "Oh Myyy!" My friend George Takei is being honored with the National Asian Pacific American Bar Association's, NAPABA, Inspire Award. In addition to his many contributions to the arts, George has been on the forefront for decades, fighting for those who don't have a voice.

When he was just 4 years old, the trajectory of George's life changed forever. His family and nearly 120,000 other Japanese Americans were declared enemy aliens and were forcibly removed from their homes for the duration of World War II. George's family packed up their entire lives into one suitcase and endured harsh living conditions in ramshackle internment camps.

The internment of Japanese Americans remains one of our country's darkest moments, and George has made it his life's work to educate a new generation of Americans about the importance of protecting fundamental rights.

George's most ambitious endeavor, "Allegiance," a musical on the internment, exposed a new audience to the shock, humiliation, anger, and resolve of one family, the Kimuras, who were interned in Heart Mountain, WY. As for others, the Kimura's internment harm didn't end when the war did. There was irreparable damage to the family's unity, hopes, and dreams.

In a TED Talk, George recounted the heroism of Japanese Americans who volunteered to serve in the military despite being declared enemy aliens. Their segregated units—the 442nd Regimental Combat Team, the 100th Battalion, and the Military Intelligence Service—remain some of the most decorated units in the Army.

"They gave me a legacy, and with that legacy comes a responsibility, and I am dedicated to making my country an even better America, to making our government an even truer democracy, and because of the heroes that I have and the struggles that we've gone through, I can stand before you as a gay Japanese-American, but even more than that, I am a proud American."

George is also a tireless advocate for and leader in the LGBT community. In 2005, George bravely stood up to conservative attacks on marriage equality by publicly coming out as gay. In 2008, he and his husband, Brad, became the

first LGBT couple in West Hollywood to apply for a marriage license. More than a decade later, America has caught up to George, and marriage equality is the law of the land.

George has demonstrated a lifelong commitment to stand up for people who don't always have a voice. And this award is as much a recognition of the work he will continue to do as much as for what he has already done.

Congratulations, George, on a well-deserved honor.●

#### RECOGNIZING BARRY CONCRETE, INC.

● Mr. VITTER. Mr. President, family-owned small businesses have a strong tradition in Louisiana and are the backbone of the business community. This week I would like to recognize Barry Concrete, Inc., of Lafayette, LA, as Small Business of the Week, which has been family-owned for three generations.

Barry Concrete was founded in 1947 by Charles Weldon Barry, Sr., better known as "Tex." After working as an electrician in the New Orleans Higgins Boat factory during World War II, Tex returned to his native Lafayette and established Barry Concrete. He successfully ran the company until his retirement in the late 1970s, when his son Charles Weldon Barry, Jr., better known as "Buzzy," took the reins. Upon Buzzy's untimely death in 1991, his wife, Bonny, continued to run the business, persevering in the face of great difficulties in order to help her sons attend college. After all three Barry sons—Mitch, Patrick, and Brady—graduated, they each joined the family business and today oversee day-to-day operations as CEO, VP of operations, and quality control manager respectively.

With four locations in Breaux Bridge, Lafayette, New Iberia, and Opelousas, Barry Concrete is well-positioned to provide concrete for a range of jobs in the Acadiana region. Barry Concrete is a nimble operation that can pour concrete on any scale, from residential driveways and wheelchair ramps to bridges, and even helped build the University of Louisiana-Lafayette's Cajundome.

Congratulations, again, to the Barry family and the employees of Barry Concrete, Inc., for being selected as Small Business of the Week and for carrying on Louisiana's tradition of family-owned small businesses.●

#### RECOGNIZING BRAIN FREEZE SNOWBALLS

● Mr. VITTER. Mr. President, Louisianians are constantly looking for a way to cool off from the summer heat, and one of the most popular ways to do so is by enjoying an ice-cold snowball. This week, I would like to recognize Brain Freeze Snowballs of Broussard, LA, as the Small Business of the Week. A stay-at-home mom, Kristi Broussard found herself with a lot of

extra time once her daughter was old enough to go to school. With the neighborhood snowball stand recently vacated, Kristi and her husband, Colby, decided to buy the stand in 2014 and share their family's 50-year-old snowball recipes with the local community, including the popular Cheesecake Stuffed Snowball. Kristi and Colby bought a bright orange trailer and parked it on West Main Street and, since its opening, has attracted a loyal clientele that grows each year.

Today Brain Freeze Snowballs is in the process of expanding to a new portable building, which will allow customers to try their snowballs without waiting in line on the side of a major road. The new building will complement the original bright orange trailer that is still used for local fairs and festivals.

Congratulations again to Brain Freeze Snowballs for being selected as Small Business of the Week, and I look forward to your continued growth and success.●

#### RECOGNIZING CELTIC MEDIA CENTRE

● Mr. VITTER. Mr. President, the people and businesses of Louisiana have continued to display remarkable strength, perseverance, and selfless service throughout the ongoing flooding and fallout in the State. Celtic Media Centre is certainly no exception to this outpouring of help and determination in its efforts to aid the community, and for this reason, I would like to recognize this fine company as Small Business of the Week. Without its willingness to accommodate any and all victims at a moment's notice, over 2,000 people would have been left to weather the catastrophe alone and with no roof over their heads.

Celtic Media Centre, CMC, was founded by Brendan O'Connor in 2005 and has become the largest film and television production studio in the State of Louisiana. A Baton Rouge-based company, CMC originally catered exclusively to the smaller independent film industry. However, after continued success and expansion, the company now boasts an impressive resume, including major productions such as "True Blood" and "Twilight Saga: Breaking Dawn Parts 1 and 2." Brendan's son Michael took over as president and CEO after his father's unfortunate passing in 2009, and Patrick Mulhearn was brought on as the executive director of studio operations. Under their leadership, the studio has blossomed into what it is today.

The recent flooding in Louisiana is not the first time that Michael and Patrick teamed up to help the community. In 2012, after signing an agreement to aid the Red Cross during disasters, CMC provided shelter to over 500 Red Cross volunteers in the aftermath of Hurricane Isaac. This experience became vital for the much bigger task they had to face during the recent

floods. Although no State or Federal contract was in place in advance, Mr. O'Connor gave Patrick the green light when a phone call came through from the Office of Emergency Preparedness at 3:05 a.m. August 14 to do whatever was necessary to help the increasing number of victims seeking shelter. Despite no time to prepare, CMC opened all its facilities and the buses of evacuees began to arrive at 5 a.m. Not only did Celtic take in over 4,000 evacuees at high water mark the first day and sheltered over 2,500 at night, they also welcomed all pets due to their long-standing pet-friendly policy. Although at first a struggle to provide anything but a roof and water, the operation ultimately expanded to include countless generous individuals and other companies throughout the area. Guests were able to enjoy a wide range of free desserts, gourmet coffee, moon bounces for the kids, live music, and even a special visit from the LSU football team. In addition, CMC was not only willing to host these thousands of victims and families, but the last evacuees did not leave until 12 days later. During one of the most trying times in Louisiana history, Celtic Media Centre not only showed its resolute dedication to the Louisiana community but did so for nearly 2 weeks straight. CMC is a remarkable example of true community spirit and selfless service.

I would like to extend my humble gratitude to Celtic Media Centre for its tremendous efforts in service to the Louisiana families and communities affected by the horrific flooding. Actions like theirs truly embodies the American spirit of unity and service that is required in such times of need. I wish them the best in their ongoing recovery efforts and continued growth and success in the business world.●

#### RECOGNIZING CENTRAL CRUDE OF LAKE CHARLES, LOUISIANA

● Mr. VITTER. Mr. President, Louisiana plays a major role in keeping our Nation powered up and running, and our natural resources industry provides many crucial jobs to residents of the Bayou State. This week, I would like to recognize Central Crude of Lake Charles, LA, as Small Business of the Week.

Central Crude was founded in 1974 with the goal of safely transporting crude oil while minimizing the environmental impact. Over the next two decades, Central Crude added numerous oil pipelines and terminals in order to expand their transportation capabilities and customer base in southwest Louisiana. In 2000, Central Crude expanded again by adding a state-of-the-art gas gathering system, which allowed them to provide full service capabilities to the natural gas market for the first time.

Today, Central Crude operates 7 pipelines, a 260,000-barrel tank farm, a rail and barge terminal, and a trucking division. With the addition of these as-

sets, Central Crude has been able to grow their business considerably, creating even more Louisiana jobs. The company now participates in the marketing and transportation of natural gas along with crude. Under the leadership of CEO Steve Jordan, this small business's consistent growth and expansion has made the company the largest privately owned crude oil purchaser in Louisiana.

In addition to the excellent services they provide to the oil industry, I would also like to recognize Central Crude for their commitment to the highest level of customer service through their honesty, integrity, and reliability and for their consideration to all aspects of the community in which they serve. Congratulations again to Central Crude for being selected as Small Business of the Week, and I look forward to your continued growth and success.●

#### RECOGNIZING CLEGG'S NURSERY AND NAYLOR'S HARDWARE AND GARDEN CENTER

● Mr. VITTER. Mr. President, in the ongoing fight to rebuild much of south Louisiana after the devastating losses we experienced from widespread flooding, I am proud of the perseverance, resilience, and spirit of service clearly present amidst the efforts to restore and rejuvenate our great State. As such, I would like to recognize Clegg's Nursery and Naylor's Hardware and Garden Center of Baton Rouge, LA, as Small Business of the Week.

Following the deadly, unprecedented flooding in south Louisiana this August, Clegg's Nursery has permanently merged businesses with Naylor's Hardware and Garden Center, whose facility was severely damaged. Their joint determination and commitment to helping other local businesses has inspired the Baton Rouge community to maintain a positive and selfless attitude and continue to lend helping hands to friends and neighbors during this time of loss and recovery.

In 1955, Sam and Effie Clegg founded Clegg's Nursery in Baton Rouge, LA. They began by selling just a few plants from an empty lot on Florida Boulevard, but this quickly led to the opening of a small garden center on North Donmoor in Baton Rouge's Lobdell-Woodale neighborhood. In 1981, Sam Clegg sold the business to his son Marshall, who then expanded the family business to two other locations in Baton Rouge. In 1999, Clegg's was again sold to current managers, Scott Ricca and Tom Fennell, who dedicated themselves and the company to the same values, mission, and passion for gardening that both Sam and Effie Clegg envisioned over 40 years before. What started out as a plant stand in an empty lot has now developed into a wholesale growing operation with several locations throughout the Baton Rouge area.

Today Clegg's owns over 40,000 square feet of commercial greenhouse space,

with a dedicated staff committed to providing customers with the best locally grown plants in Baton Rouge. Amidst the devastating thousand-year flood disaster that has plagued our State in recent weeks, Clegg's has led by example and embodied the true spirit of service, specifically through its aid to Naylor's Hardware and Garden Center, another local hardware and garden store in the area. Following the storm, Naylor's was left completely and irreparably destroyed. Clegg's offered immediate help to its fellow company by giving jobs to several of Naylor's employees, including its owner, Johnny Naylor, and now is merging with the successful Naylor establishment to continue to supply the Baton Rouge community with the same great products and customer service all under one roof. Despite the tragic circumstances, Naylor's has found new life through Clegg's, which is a prime example of service, unity, and true community support.

I would like to extend my deepest condolences to the friends and families of Naylor's for the loss of their business, while expressing profound admiration toward Clegg's for its remarkable display of true Louisiana strength and helping others in the community during this time of need. I am honored to name Clegg's Nursery and Naylor's Hardware and Garden Center as Small Business of the Week. I wish them all the best during this time of recovery and look forward to seeing their new growth and success as they embark on a new business venture together.●

#### RECOGNIZING GREAT RAFT BREWING CO.

● Mr. VITTER. Mr. President, over the past several years, small locally owned breweries have exploded in popularity across the country, and Louisiana is no exception to this trend and is home to a number of small breweries that have gained regional and national success. As such, I would like to recognize Great Raft Brewing Co. of Shreveport, LA, as this week's Small Business of the Week.

In 2013, Andrew and Lindsay Nations opened Great Raft Brewing in Shreveport's historic Highland neighborhood with the mission of creating fresh craft beer that complemented the lifestyle and cultures of northwest Louisiana. Having fallen in love with craft beer while living in Washington, DC, the Nations set out to share their passion with their native northern Louisiana. In October 2013, Great Raft Brewing Co. made history by selling the first locally made beer in Shreveport since Prohibition and quickly cemented themselves as a new pillar of their community.

Named for the "Great Raft" logjam that once prevented travel along the Red River, Great Raft Brewing remains committed to their community, hosting numerous charity and festival events each year and representing

northwest Louisiana culture at events around the county. In late 2013, Great Raft Brewing Co. opened their tasting room, originally serving their three flagship brews before expanding to offer a number of limited release and seasonal beers. In a span of 3 years, Great Raft Brewing Co. has been able to expand to a level that allows them to distribute their beer all around the State of Louisiana, as well as garnering regional and national success, including being recognized as one of the South's Best Breweries by Southern Living Magazine, a Best American Lager by Food & Wine Magazine, a Best Coffee Beers in the World by Men's Journal, and numerous other recognitions in State, local, and national publications.

Congratulations to Great Raft Brewing for being named this week's Small Business of the Week. I have no doubt that this local brewery will continue to thrive and provide great beer for the people of Louisiana in the years to come.●

#### RECOGNIZING HAIR FACTORY

● Mr. VITTER. Mr. President, in Louisiana, football is a way of life, with the players often competing to be seen as role models to the young folks in our community. The Louisiana State University Fighting Tigers, arguably one of the best college football teams in the country, is a prime example of this and boasts many outstanding players that influence and inspire their community, State, and Nation. This week, I would like to recognize the ventures of one such student athlete as Small Business of the Week. For his commitment to serving the Baton Rouge community and inspiring entrepreneurship among young folks across Louisiana, I am very proud to honor Lewis Neal and Hair Factory of Baton Rouge, LA, as the Senate Small Business of the Week.

North Carolina native Lewis Neal isn't your typical entrepreneur. A senior at LSU this year, Neal began his entrepreneurial endeavors in high school when he participated in day trading on the Foreign Exchange market, something he continues to do. Neal's entrepreneurial talent led to him and a friend creating a smartphone app, and his love for the city of Baton Rouge inspired him to recently become co-owner of Hair Factory, joining Joan Campbell, whose family opened the local salon in 1986. After the police shooting in July rocked the Baton Rouge community, Neal and Campbell showed their commitment to their community by offering free Hair Factory haircuts to local members of the military, along with first responders and their families.

Congratulations to Lewis Neal, Joan Campbell, and the entire Hair Factory team for being selected as the Small Business of the Week, and I thank them for their commitment to the Baton Rouge community and providing for those who serve us daily.●

#### RECOGNIZING HAYES MANUFACTURING

● Mr. VITTER. Mr. President, for over 60 years, one small business based out of Pineville, LA, has played a major role in building central Louisiana and creating hundreds of jobs along the way. This week, I would like to recognize Hayes Manufacturing as Small Business of the Week.

In the early 1950s, James Hayes, Sr., worked in a local fabrication shop and quickly realized that he could produce a better product on his own. Working out of his garage with a welding machine mounted on a Model-T Ford, Hayes, Sr., established his namesake manufacturing small business in 1954. Over the next two decades, Hayes, Sr., acquired a small machine shop and successfully provided steel manufacturing products for central Louisiana. In 1972, his son James Hayes, Jr., joined the family business, and was shortly followed by his brother Cliff. Under their combined leadership and vision, Hayes Manufacturing has grown to become one of the highest regarded steel fabrication shops in the south.

Today Hayes Manufacturing is one of three divisions under the Hayes Companies, which is operated out of a 13-acre property in Pineville. Hayes Manufacturing regularly partners with the local community to give back. Following the deadly, historic flooding in south Louisiana this August, Hayes Manufacturing organized volunteers to help Baton Rouge families repair their flooded homes. Hayes Manufacturing has also worked with the State and local governments in public-private partnerships that build Louisiana's infrastructure and grow hundreds of direct and indirect jobs. In 2011, as the CEO of the Hayes Companies, James Hayes, Jr., was awarded Small Business Person of the Year by the Central Louisiana Chamber of Commerce.

Congratulations to the entire team at Hayes Manufacturing for being selected as Small Business of the Week, and I look forward to your continued growth and success.●

#### RECOGNIZING HOOK & BOIL

● Mr. VITTER. Mr. President, with the recovery of the south Louisiana community underway, I would like to recognize Hook & Boil of Broussard, LA, as Senate Small Business of the Week. The folks at Hook & Boil played a significant role in serving its neighbors during the recent devastating floods and its selfless action in the midst of such widespread devastation is a shining example of the commitment to community and service among all Louisianians.

Mark Alleman, a third-generation crawfish famer and chef, began his culinary career by starting his own catering company, Cravin' Cajun Seafood. His skillful combination of Cajun flair with a wide range of local ingredients caught on quickly, and its tremendous

success led Mark to expand his operations into Hook & Boil, the full-scale restaurant and catering business we know today. The new Hook & Boil strives to provide the ultimate Cajun experience. This experience, however, would be incomplete without a strong bond and commitment to the greater Broussard community.

This commitment was on full display during the recent fallout from the tragic flooding of southern Louisiana. Despite waters rising to over an inch in his own house, Alleman and his team at Hook & Boil served over 2,000 meals to those in need. With a crew of three Hook & Boil employees and a few locals with high vehicles, the team delivered food to affected neighborhoods throughout the community. Although the Hook & Boil team was small, its impact was wide-ranging and felt throughout the entire city.

This generosity and service is deserving of the deepest gratitude and respect, and I would again like to give my sincerest thanks to Hook & Boil for its remarkable service and action during such a tragedy. This showcase of service has not only bolstered community pride but shines as a light and tremendous example of unity, compassion, and human spirit. I look forward to your continued growth and success.●

#### RECOGNIZING KELLY PLUMBING

● Mr. VITTER. Mr. President, family-owned small businesses are essential to keeping our homes and businesses running and providing much needed jobs in our local communities. The skill set and level of service from these small businesses drive our communities to succeed and are the backbone for our economic success. This week, I would like to recognize Kelly Plumbing, Inc., of Monroe, LA, as Small Business of the Week for their commitment to customers and exceptional service in northeast Louisiana.

Kelly Plumbing was founded in 1928 by Ernest and Vivian Kelly in their hometown of Monroe. Since 1928, the company's focus on customer satisfaction not only makes them a premier plumbing service but has allowed them to survive the economic downturns and recessions that our Nation has faced since the Great Depression. After 88 years, the Kelly family continues to provide exceptional plumbing and home repair services to members of their community, building a successful business that offers its expertise to countless customers in the Monroe and West Monroe communities. This success has allowed the owners to pass down their business for three generations and is now currently operated by Bobby Kelly, Jr.

Kelly Plumbing's focus on customer and quality service has not gone unnoticed, as they were awarded DeltaStyle Magazine's "Best Plumbing Company" of 2016. This is further proof of the strength and success a small business can have in conjunction with hard

work and maintaining strong family values. I once again would like to congratulate Kelly Plumbing, Inc., for their perseverance and am proud to honor them as Small Business of the Week. I look forward to seeing their continued growth and success.●

#### RECOGNIZING LAMULLE CONSTRUCTION, LLC

● Mr. VITTER. Mr. President, the success and stability of the Bayou State's economy works largely in conjunction with the abundance of natural resources at our fingertips. Considering the variety of industries that work in and around Louisiana's vast coastline, it is important to have a solid water infrastructure system in place. A veteran-owned small business based in Slidell, LA, has been building that water infrastructure for the citizens of south Louisiana for nearly 70 years. I would like to recognize Lamulle Construction, LLC, as Small Business of the Week.

It was during World War II when E.J. Lamulle served in the U.S. Army and learned the skill of pile driving. Lamulle's regiment was responsible for building docks off islands in the Pacific Ocean so Allied ships could drop off supplies. After the war, Lamulle returned to Louisiana in 1947 to find his home devastated by a hurricane. When rebuilding his home, Lamulle used his pile driving skills to protect it from future storms, and when his neighbors took notice of his work, Lamulle inadvertently started his namesake construction company.

Over the next several decades, Lamulle Construction grew to specialize in constructing residential and commercial waterfront projects, including bulkheads, docks, piers, and bridges. Today, E.J. Lamulle's son David manages the family-owned small business, which has grown to employ 25 crewmembers and 8 administrators who maintain the high level of service and attention to detail that the company has become known for.

Congratulations to the great team at Lamulle Construction for being selected as this week's Small Business of the Week, and I look forward to your continued growth and success.●

#### RECOGNIZING LASYONE'S MEAT PIE RESTAURANT

● Mr. VITTER. Mr. President, down in the Bayou State, our generations-old recipes are well regarded and in high demand. This week I would like to recognize Lasyone's Meat Pie Restaurant of Natchitoches, LA, as Small Business of the Week, for their commitment to supporting the local economy and keeping the tradition of southern cooking alive and well.

In the 1950s, James Lasyone was the butcher for the Live Oak Grocery and began experimenting with a meat pie recipe. In the years that followed, Lasyone's recipe became a local favor-

ite, which led to the 1967 opening of Lasyone's Meat Pie Restaurant in historic downtown Natchitoches. A few years later, the editor of House Beautiful Magazine dropped in, and Lasyone's Meat Pie Restaurant soon began receiving national recognition.

Today Lasyone's original recipe is a well-kept secret, but Chefs Angela Lasyone and Tina Lasyone Smith continue to share meat pies with the community, along with several other staples of Southern cuisine, including crawfish pie, red beans and sausage, dirty rice, southern fried catfish, bread pudding with rum sauce, and chicken and dumplings. In their nearly 50 years of operation, Lasyone's Meat Pie Restaurant has been praised in national newspapers, including the Chicago Tribune and the New York Times, major television shows On the Road with Charles Kuralt and Good Morning America, and even in international publications from France, Italy, and Spain.

Congratulations again to the Lasyone's Meat Pie Restaurant for being selected as Small Business of the Week. I look forward to my next visit to Natchitoches to have another one of your delicious meat pies and wish the entire team at Lasyone's continued growth and success.●

#### RECOGNIZING MAGGIO GROCERY AND DELI

● Mr. VITTER. Mr. President, small businesses in Louisiana play a major role in their local communities and economy, and far more often than not, they support and showcase the values and livelihood of the people around them. In that spirit, I would like to recognize Maggio Grocery and Deli of Bossier City, LA, as Small Business of the Week.

In 1923, Sam and Mary Maggio opened Maggio Grocery along the Red River in Bossier City, LA. An Italian immigrant and World War I veteran, Sam built the grocery store with the goal of providing his Bossier City neighbors with the highest quality groceries, meats, seafood, and service-with-a-smile one could find in the community. Even with a friendly rival grocery store across the street, Sam found success with Maggio Grocery and eventually passed the business along to his two sons, Joe and Charlie. These days Maggio Grocery is run by Charlie's son, Vince, and his wife, Sharon, who work to make sure the family's namesake grocery store maintains the same traditions that have lasted three generations. Even with the prolific growth of supermarkets, 93 years later, Maggio Grocery continues to thrive in northwest Louisiana and remains in its original location on Thompson Street.

I would like to congratulate Maggio Grocery and Deli for being recognized as Small Business of the Week, and I look forward to their continued growth and success.●

### RECOGNIZING METALCRAFT MANUFACTURING

• **Mr. VITTER.** Mr. President, as this body continues to honor the importance and contributions of the small business community across America, I would like to specifically recognize MetalCraft Manufacturing of Shreveport, LA, as Small Business of the Week.

After years of experience as an engineer and businessman, Todd Leleux acquired MetalCraft Manufacturing in 2008. Building upon his extensive background in the oil and gas industry and MetalCraft's history of providing top of the line metal manufacturing and customer service, Leleux quickly grew the company's manufacturing in a few short years. With an increasing client base, Leleux sought to expand to Lafayette, LA, in 2011. During this process, he included Garland Champagne and Jeff Prejean as co-owners who brought over 70 combined years of experience in down hole oil tools.

Over the years, MetalCraft has helped provide high-quality products to industry leaders such as General Electric, GE, and the Halliburton Company, while also delivering their signature level of service to all clients, regardless of size. Today MetalCraft continues to serve Louisiana with the highest level of expertise and craftsmanship to industry, ranging from agriculture to petroleum. MetalCraft has and will continue to offer quality employment opportunities to Louisianians for many years to come.

Congratulations again to MetalCraft Manufacturing for being selected as this week's Small Business of the Week, and I look forward to your continued growth and success.●

### RECOGNIZING MOONBOT STUDIOS

• **Mr. VITTER.** Mr. President, small businesses have the unique ability to connect with and inspire members in their communities. It is especially noteworthy when these businesses are able to inspire their neighbors through a creative use of the arts. This week I am proud to honor Moonbot Studios of Shreveport, LA, as Small Business of the Week, for their commitment to captivating the imaginations of folks of all ages through beautiful animation and superb storytelling.

In 2009, three visionary artists—Bill Joyce, Brandon Oldenburg, and Lampton Enochs—hatched a revolutionary idea: open a full-service design and production studio in Louisiana's budding entertainment hub, Shreveport, LA. The trio aimed for creating and producing visually stunning and intricately told stories for folks of all ages. Helmed by Joyce, a former illustrator for Disney/Pixar, and Oldenburg and Enochs, two successful entertainment-industry professionals, the group began producing top-notch and award-winning animated short films and digitally animated books and cell

phone apps. The experience of these talented professionals helped shape the first major animation studio in Louisiana.

Today Moonbot has grown into an award-winning team of 50 employees ranging from animators, illustrators, and a large film and marketing team creating beautiful stories that capture the imaginations of folks both in Louisiana and around the world. Currently, the studio is working with Amazon Studios in creating and producing a new animated children's show to be streamed on the popular Amazon Prime Web site. Additionally, the group boasts a number of prestigious awards including a handful of Emmy Awards and an Oscar for best animated short film with their original production "The Fantastic Flying Books of Mr. Morris Lessmore."

Congratulations again to Moonbot Studios for being selected as Small Business of the Week. Thank you for your commitment to inspiring our next generation of Louisiana artists and storytellers. I look forward to seeing your continued growth and success.●

### RECOGNIZING MORRIS & DICKSON CO. LLC

• **Mr. VITTER.** Mr. President, oftentimes the truest test of a small business's strength is its longevity. In Louisiana, our small businesses have worked through countless challenges and survived for generations to improve the lives of their neighbors and make substantial contributions to the economy. In honor of their 175th anniversary, I would like to present Morris & Dickson Co. LLC of Shreveport, LA, with the Senate Small Business Legacy Award for the important achievements of this Louisiana-based small business success story.

In 1841, John Worthington Morris opened J. W. Morris & Co., an independent pharmacy in downtown Shreveport, LA. Working out of a single riverfront warehouse, J.W. first received goods by steamboat from New Orleans and with the help of his brother, Thomas Henry, ran his namesake small business until his death 12 years later. A second generation of the Morris family continued J.W.'s legacy until Claudius Dickson bought the business in 1899, renaming it to be Morris & Dickson Co. Claudius worked with members of the Morris family to grow their wholesale pharmaceutical business. As technology improved, with new railway lines and gasoline-powered trucks, Morris & Dickson Co. embraced the revolutionary improvements to distribute their pharmaceuticals in Louisiana and the surrounding States.

In order to survive the Civil War, the Great Depression, as well as the day-to-day struggles of running a successful business, the leaders of Morris & Dickson Co. took advantage of each technological improvement to ensure the company would stay afloat.

It wasn't until the 1980s that Morris & Dickson Co. grew exponentially and

became a nationally recognized competitor. At the time, Morris & Dickson Co. was working out of the same building it had first moved into in 1905. Nearly eight decades later, they were still transporting goods in a manual freight elevator and used a dumbwaiter or rope bucket to send orders upstairs. Claudius's son Markham Allen Dickson recognized that major changes had to be made and, much like his predecessors, had an immense respect for technology's growing influence. M. Allen's foresight and ingenuity allowed the family-owned business to grow to become the region's leading wholesale drug distributor. He moved the company out of downtown Shreveport, utilized the early use of computers, and under his leadership, Morris & Dickson Co. exploded on the national wholesale pharmaceutical scene. By 2013, Morris & Dickson Co. was the fourth largest pharmaceutical distributor in the Nation.

Still driven by the 175-year old ambition to elevate the standard of patient care for their neighbors and community, today Morris & Dickson Co. is run by M. Allen's son, Paul Dickson. Morris & Dickson Co. has a well-earned reputation for persevering through many hardships by embracing innovation in order to harness the power of an ever-changing economy and increasingly technology-driven world.

Today Morris & Dickson Co. provides operational and logistic innovation support for independent pharmacies. This includes everything from on-time delivery of pharmaceutical inventory to inventory management software. With Morris & Dickson Co.'s help, independent pharmacies in 14 States can focus on supporting and improving the health of their local communities, while also remaining financially solvent.

This Shreveport-based family-run business is a great example of the American dream in action, and companies like Morris & Dickson certainly serve as role models for the next generation of entrepreneurs. I congratulate the hard-working folks at Morris & Dickson Co. LLC on 175 years in business and for the well-deserved honor of the Senate Small Business Legacy Award.●

### RECOGNIZING PARADISE OUTFITTERS, LLC

• **Mr. VITTER.** Mr. President, as I continue to honor the success and contributions of the small business community in the United States, I would like to honor the work of Paradise Outfitters, LLC, located in Venice, LA, as this week's Small Business of the Week.

Paradise Outfitters, LLC, has become a premier deep sea charter fishing company, not only in Louisiana but throughout the entire gulf region. Captain Hunter Caballero opened his doors



almost a decade ago, following the devastation of Hurricane Katrina. An accomplished angler who holds the Louisiana State record for big eye tuna, Captain Caballero's work has been featured in *Saltwater Sportsman*, *Louisiana Sportsman*, the *Waterman's Journal*, among others. Captain Caballero started with only one boat and a small crew but now has a fleet of 4 boats, employs 4 captains, and a crew of roughly 10 to 20 individuals, depending on the fishing season. Paradise Outfitters delivers essential services in fishery management while contributing to the commercial and economic development essential to keeping Louisiana competitive.

I am proud to support Louisiana's reputation as the "Sportsman's Paradise," and companies like Paradise Outfitters, LLC, provide unparalleled services that help Louisiana uphold that moniker. In the wake of Hurricane Katrina in 2005 and even during the BP oil spill in 2010, Captain Caballero and his crew continued providing a significant boost to our State's irreplaceable tourism industry and have allowed us to showcase the unique and wonderful fishing opportunities that only Louisiana can provide.

I would like to congratulate Paradise Outfitters, LLC, once more and thank their team for the services they have provided throughout our State's most challenging times. I look forward to seeing their continued success and applaud them for giving people the unique experiences one can only find in Louisiana.●

#### RECOGNIZING RENAISSANCE PUBLISHING, LLC

● Mr. VITTER. Mr. President, in my role as chairman of the Senate Committee on Small Business and Entrepreneurship, I am fortunate to come across entrepreneurs across the United States who have dedicated so much time and effort to creating jobs and boosting our Nation's economy. This week, I would like to recognize Renaissance Publishing, LLC, located in my hometown of Metairie, LA, as Small Business of the Week.

Renaissance Publishing first opened its doors in Jefferson Parish in 2006. In the last 9 years, Todd Matherne has consistently provided folks across Louisiana with exceptional printing and publishing services and today employs over 50 people. With a guiding directive to "celebrate life" in each of Mr. Matherne's publishing ventures, Renaissance Publishing has grown from producing custom publishing titles for local organizations to also owning and managing a handful of local magazines and periodicals, including *MyNewOrleans.com*, *New Orleans Magazine*, and *Louisiana Life*. As such, Renaissance Publishing has the latest information on what to do and what is going on in New Orleans. For his many achievements, Mr. Matherne was designated as Small Business Person of

the Year by Louisiana Economic Development in 2015.

In recognition of their years of dedication to growing jobs and contributing to southern Louisiana's economic development, I congratulate Renaissance Publishing, LLC, for being selected as Small Business of the Week.●

#### RECOGNIZING THREE BROTHERS FARM

● Mr. VITTER. Mr. President, the opportunity to buy from local businesses affords consumers fresher and higher quality products, but it also gives them the chance to support the communities in which they operate. In that spirit, I am proud to recognize Three Brothers Farm of Youngsville, LA, as Small Business of the Week for their commitment to bringing high-quality locally grown products to restaurants and consumers all around the State of Louisiana.

Three Brothers Farm in Lafayette Parish got its start in 1944 when it began producing fresh, all natural fig preserves. They traveled to farmer's markets all across the State to bring their quality products to the masses. For years they enjoyed growth and success in the fig industry; however, in 2005, when Hurricane Rita came ashore bringing 22 consecutive hours of salty gulf rain with it, Three Brothers Farm faced an unprecedented challenge. The result of such extended rain was devastating to the fig tree population on the farm and dramatically decreased Three Brothers Farm's ability to produce enough figs to supply the demand.

Instead of giving up, the owners turned their efforts to a new endeavor and began to develop the sugar aspect of the business. Under this new direction, the farm added an FDA-approved kitchen to be used to scrub raw sugar and thus be able to provide it to area restaurants and co-ops. Their venture paid off tremendously as they now have 29 acres of naturally produced sugarcane and Celeste figs, which allows them to service some of the best restaurants in Louisiana including the Besh Restaurant Group, Herbsaint, Cochon, and Le Petite Grocery, amongst many more.

Congratulations again to Three Brothers Farm of Youngsville, LA, this week's Small Business of the Week, for their dedication to providing Louisiana with "Certified Cajun" products and I look forward to your continued growth and sweet success.●

#### RECOGNIZING TOCE ENERGY, LLC

● Mr. VITTER. Mr. President, with the right tools, small businesses have the unique opportunity to drive economic growth and opportunity across the country, providing good-paying jobs in their communities. In energy-rich Louisiana, small oil and gas companies are no exception to this. This week I would

like to recognize Toce Energy, LLC, of Lafayette, LA, as Small Business of the Week, for their commitment to spurring economic growth through the State's distressed oil and gas industry.

In 1997, after many successful years in the oil and gas industry, Victor and Paul Toce teamed up to found their namesake Toce Energy, LLC, in energy-rich southwest Louisiana. Initially offering services in acquisitions of oil and gas properties, Toce Energy quickly expanded their reach into neighboring parishes, spurring growth in the local communities in which they operate.

Today Toce Energy boasts operations in 18 parishes across the southern region of the State. Contracting over 500 vendors to support their operations in geology, geophysics, land, drilling, production, accounting, and legal services, the group provides scores of good-paying jobs both in Louisiana's struggling oil and natural gas industry and across various industries which serve the sector.

Congratulations again to Toce Energy for being selected as Small Business of the Week. Thank you for your commitment to Louisiana's energy sector and providing jobs for citizens of Louisiana. I look forward to seeing your continued growth and success.●

#### RECOGNIZING TRIPLE N OYSTER FARM

● Mr. VITTER. Mr. President, Louisiana is known for serving some of the best seafood in the world, and that includes our locally grown and raised oysters. We are especially lucky in that many Louisianians are putting pen to paper in order to hammer out real solutions that will preserve, protect, and rebuild our vulnerable coastal habitats that also give a boost to some of our richest industries. One such Louisiana-based business is this Small Business of the Week Triple N Oyster Farm.

Biology professors at Louisiana State University in Baton Rouge, Dr. Steve Pollock and Dr. Ginger Brininstool took the entrepreneurial leap in 2015 when the Grand Isle community sought new ways to farm oysters in the popular coastal community. The husband and wife team worked together to develop an innovative new way to farm and harvest oysters with minimal damage to Louisiana's vulnerable coastal habitats. By suspending their oyster habitats off the sea floor, Dr. Pollock and Dr. Brininstool experiment with alternative farming techniques that allow oysters to mature more quickly and cleanly than in traditional farming methods.

Recently, Triple N Oyster Farm was selected to join a competitive impact accelerator program at Propeller, a popular New Orleans, LA, nonprofit organization whose aim is to help start and grow entrepreneurial ventures in the greater New Orleans area. In this program, Dr. Pollock and Dr.

Brininstool will join a small team of local startups to develop additional innovative and entrepreneurial options to improve Louisiana's coastal water management.

Congratulations again to Triple N Oyster Farm for being selected as Small Business of the Week. Thank you for your commitment to innovating Louisiana's rich seafood industry while preserving our vulnerable coast, and I look forward to your continued growth and success.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representative, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with an amendment and an amendment to the title, in which it requests the concurrence of the Senate:

S. 253. An act to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

The message further announced that the House has passed the following bills, without amendment:

S. 1004. An act to amend title 36, United States Code, to encourage the nationwide observance of two minutes of silence each Veterans Day.

S. 1698. An act to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

S. 1878. An act to extend the pediatric priority review voucher program.

S. 2683. An act to include disabled veteran leave in the personnel management system of the Federal Aviation Administration.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 954. An act to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO-OP) program.

H.R. 5065. An act to direct the Administrator of the Transportation Security Administration to notify air carriers and secu-

rity screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes.

H.R. 5391. An act to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes.

The message further announced that pursuant to section 703 of the Social Security Act (42 U.S.C. 903), and the order of the House of January 6, 2015, the Speaker appoints the following individual on the part of the House of Representatives to the Social Security Advisory Board for a term of 6 years, effective October 9, 2016: Ms. Kim Hildred of Alexandria, Virginia.

The message also announced that pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), and the order of the House of January 6, 2015, the Speaker appoints the following individual on the part of the House of Representatives to the Board of Trustees for John C. Stennis Center for Public Service Training and Development for a term of 6 years: Mr. Gregg Harper of Pearl, Mississippi.

#### ENROLLED BILL SIGNED

At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1475. An act to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 5:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3283. An act to designate the community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, as the "PFC James Dunn VA Clinic".

The message also announced that the House of Representatives having proceeded to reconsider the bill (S. 2040) to deter terrorism, provide justice for victims, and for other purposes, returned by the President of the United States with his objections, to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was resolved, that the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

#### ENROLLED BILLS SIGNED

At 6:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1004. An act to amend title 36, United States Code, to encourage the nationwide observance of two minutes of silence each Veterans Day.

S. 1698. An act to exclude payments from State eugenics compensation programs from

consideration in determining eligibility for, or the amount of, Federal public benefits.

S. 1878. An act to extend the pediatric priority review voucher program.

S. 2683. An act to include disabled veteran leave in the personnel management system of the Federal Aviation Administration.

H.R. 2494. An act to support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5065. An act to direct the Administrator of the Transportation Security Administration to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5391. An act to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 954. An act to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO-OP) program.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7000. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "System Safeguards Testing Requirements for Derivatives Clearing Organizations" (RIN3038-AE29) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7001. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Revision of Time Frame for Continuance Referenda" (Docket No. AMS-SC-16-0054) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7002. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyridaben; Pesticide Tolerances" (FRL No. 9951-92) received in the Office of the President of the Senate on September 20,

2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7003. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tart Cherries Grown in the States of Michigan, et al.; Revision of Optimum Supply Requirements and Establishment of Inventory Release Procedures” (Docket No. AMS-FV-15-0047) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7004. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate” (Docket No. AMS-SC-16-0076) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7005. A communication from the Administrator of the Livestock, Poultry, and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Amendment to the Definition of ‘Condition’ and Prerequisite Requirement for Shell Eggs Eligible for Grading and Certification Stated in the Regulations Governing the Voluntary Grading of Shell Eggs” (Docket No. AMS-LPS-15-0044) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7006. A communication from the Program Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Margin and Capital Requirements for Covered Swap Entities” (RIN1557-AD00) received during adjournment of the Senate in the Office of the President of the Senate on September 16, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7007. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled “Releasing Information; Availability of Records of the Farm Credit Administration; FOIA Fees” (RIN3052-AD18) received in the Office of the President pro tempore of the Senate; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7008. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled “System Safeguards Testing Requirements” (RIN3038-AE30) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7009. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Federal Agency Drug-Free Workplace Program” and certification relative to the provisions and requirements of section 503(c) of P.L. 100-71; to the Committees on Appropriations; and Finance.

EC-7010. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of an alleged violation of the Antideficiency Act that occurred on September 29, 2014, and April 7, 2015, in the Environmental Programs and Management account; to the Committee on Appropriations.

EC-7011. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “TRICARE; Mental Health and Substance Use Disorder Treatment” (RIN0720-AB65) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Armed Services.

EC-7012. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Qualification Standards for Enlistment, Appointment, and Induction” (RIN0790-A178) received in the Office of the President of the Senate on September 15, 2016; to the Committee on Armed Services.

EC-7013. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Sexual Assault Prevention and Response (SAPR) Program Procedures” (RIN0790-A136) received in the Office of the President of the Senate on September 19, 2016; to the Committee on Armed Services.

EC-7014. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Ted N. Branch, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7015. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-7016. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Ukraine that was originally declared in Executive Order 13660 of March 6, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-7017. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-7018. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Venezuela that was originally declared in Executive Order 13692 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-7019. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was established in Executive Order 13224 on September 23, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-7020. A communication from the Associate General Counsel for Regulations and Legislation, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act” (RIN2529-AA94) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7021. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the semi-annual Implementation Report on Energy Conservation Standards Activities of the Department of Energy; to the Committee on Energy and Natural Resources.

EC-7022. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled “Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board, Fiscal Year 2015”; to the Committee on Energy and Natural Resources.

EC-7023. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Treatment of Indian Tribes in a Similar Manner as States for Purposes of Section 303(d) of the Clean Water Act” (FRL No. 9952-61-OW) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Environment and Public Works.

EC-7024. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan” (FRL No. 9952-03-Region 6) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Environment and Public Works.

EC-7025. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Partial Approval and Partial Disapproval of Implementation Plans; State of Iowa; Infrastructure SIP Requirements for 2008 Ozone National Ambient Air Quality Standard (NAAQS)” (FRL No. 9952-55-Region 7) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Environment and Public Works.

EC-7026. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Georgia; Prong 4-2008 Ozone, 2010 NO<sub>2</sub>, SO<sub>2</sub>, and 2012 PM<sub>2.5</sub>” (FRL No. 9952-72-Region 4) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Environment and Public Works.

EC-7027. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Alabama and North Carolina; Interstate Transport—2010 NO<sub>2</sub> Standards” (FRL No. 9952-74-Region 4) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Environment and Public Works.

EC-7028. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Species; Identification of 14 Distinct Population Segments of the Humpback Whale (*Megaptera novaeangliae*) and Revision of Species-Wide Listing” (RIN0648-XC751) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Environment and Public Works.

EC-7029. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the West Shore Lake Pontchartrain,

Louisiana Hurricane and Storm Damage Risk Reduction project; to the Committee on Environment and Public Works.

EC-7030. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for fiscal year 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-7031. A communication from the Regulations Coordinator, National Institutes of Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Clinical Trials Registration and Results Information Submission" (RIN0925-AA55) received during adjournment of the Senate in the Office of the President of the Senate on September 16, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7032. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Removing Outmoded Regulations Regarding the Smallpox Vaccine Injury Compensation Program" (RIN0906-AA84) received during adjournment of the Senate in the Office of the President of the Senate on September 16, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7033. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Safety and Effectiveness of Consumer Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use" ((RIN0910-AF69) (Docket No. FDA-1975-N-0012)) received in the Office of the President of the Senate on September 19, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7034. A communication from the Senior Advisor to the Secretary Delegated the Duties of Assistant Secretary for Elementary and Secondary Education, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Priorities—Enhanced Assessment Instruments" ((CFDA No. 84.368A.) (Docket No. ED-2016-OESE-0004)) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-7035. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Evidence from Excluded Medical Sources of Evidence" (RIN0960-AH92) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Finance.

EC-7036. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement of the Results of the Phase III Allocation Round of the Qualifying Gasification Project Program" (Announcement 2016-34) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Finance.

EC-7037. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement of Certification Resulting from the 2012-2013 Phase III Allocation Round of the Qualifying Advanced Coal Project Program" (Announcement 2016-33) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Finance.

EC-7038. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Carbon Dioxide Sequestration; 2016 Section 45Q Inflation Adjustment Factor" (Notice 2016-53) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Finance.

EC-7039. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Address for Qualified Vehicle Submissions" (Notice 2016-51) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Finance.

EC-7040. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Tax Credit Guidance Under Section 909 Related to Foreign-Initiated Adjustments" (Notice 2016-52) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Finance.

EC-7041. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "applicable Federal Rates—October 2016" (Rev. Rul. 2016-25) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Finance.

EC-7042. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Facilitating Compliance with Qualified Plan Document Requirements" (Announcement 2016-32) received in the Office of the President of the Senate on September 20, 2016; to the Committee on Finance.

EC-7043. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modifications to Minimum Present Value Requirements for Partial Annuity Distribution Options under Defined Benefit Pension Plans" ((RIN1545-BJ55) (TD 9783)) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Finance.

EC-7044. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Amounts Paid to Section 170(c) Organizations Under Employer Leave-Based Donation Programs to Aid Victims of Severe Storms and Flooding in Louisiana that Began on August 11, 2016" (Notice 2016-55) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Finance.

EC-7045. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Mental Disorders" (RIN0960-AF69) received in the Office of the President of the Senate on September 19, 2016; to the Committee on Finance.

EC-7046. A communication from the Acting Director, Office of Personnel Management, transmitting proposed legislation increasing the death gratuity for a Federal civilian employee killed in the line of duty; to the Committee on Finance.

EC-7047. A communication from the District of Columbia Auditor, transmitting, pur-

suant to law, a report entitled, "Administrative Justice in the District of Columbia: Recommendations to Improve DC's Office of Administrative Hearings"; to the Committee on Homeland Security and Governmental Affairs.

EC-7048. A communication from the Acting Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Special Rights for Transferred Employees under the Dodd-Frank Act Regarding Federal Employees' Group Life Insurance" (RIN3206-AM81) received in the Office of the President of the Senate on September 16, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7049. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's fiscal year 2016 Commercial Activities Inventory and Inherently Governmental Activities Inventory and the Uniform Resource Locator (URL) for the report; to the Committee on Homeland Security and Governmental Affairs.

EC-7050. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2015; to the Committee on the Judiciary.

EC-7051. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Patent Term Adjustment in view of the Federal Circuit Decision in *Novartis v. Lee*" (RIN0651-AC96) received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on the Judiciary.

EC-7052. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Authority to Solicit Gifts and Donations" (RIN2900-AP75) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Veterans' Affairs.

EC-7053. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Authority to Solicit Gifts and Donations" (RIN2900-AP74) received in the Office of the President of the Senate on September 22, 2016; to the Committee on Veterans' Affairs.

EC-7054. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule" ((MB Docket No. 13-236) (FCC 16-116)) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7055. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Approach Regulations for Humpback Whales in Waters Surrounding the Islands of Hawaii Under the Marine Mammal Protection Act" (RIN0648-BF98) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7056. A communication from the Deputy Assistant Administrator for Regulatory

Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments and Recodification of Alaska Humpback Whale Approach Regulations" (RIN0648-BF31) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7057. A communication from the Senior Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels, Deepwater Ports, and Onshore Facilities" (RIN1625-AC14) (Docket No. USCG-2013-1006) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7058. A communication from the Chief of the Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters" ((WT Docket No. 14-36) (FCC 16-119)) received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7059. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Eagle Butte, South Dakota)" ((MB Docket No. 16-182) (DA 16-1007)) received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7060. A communication from the Chief of the International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies" ((IB Docket No. 02-34) (FCC 16-108)) received during adjournment of the Senate in the Office of the President of the Senate on September 23, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7061. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Paralytic Shellfish Poisoning Closed Areas Expiring" (RIN0648-XD604) received in the Office of the President of the Senate on January 7, 2015; to the Committee on Commerce, Science, and Transportation.

EC-7062. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ironman 70.3 Miami; Miami, FL" ((RIN1625-AA00) (Docket No. USCG-2015-0483)) received in the Office of the President of the Senate on September 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7063. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Shore (Belt) Parkway Bridge Construction, Mill Basin; Brooklyn, NY" ((RIN1625-AA00) (Docket No. USCG-2014-1044)) received in the Office of the President of the Senate on September 21, 2016; to the

Committee on Commerce, Science, and Transportation.

EC-7064. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2016-0117—2016-0122); to the Committee on Foreign Relations.

EC-7065. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-065); to the Committee on Foreign Relations.

EC-7066. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-077); to the Committee on Foreign Relations.

EC-7067. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16-059); to the Committee on Foreign Relations.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-206. A petition from a citizen of the State of Texas relative to currency; to the Committee on Banking, Housing, and Urban Affairs.

POM-207. A petition from a citizen of the State of Texas relative to constitutional conventions; to the Committee on the Judiciary.

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROBERTS for the Committee on Agriculture, Nutrition, and Forestry.

\*Christopher James Brummer, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring June 19, 2016.

\*Christopher James Brummer, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring June 19, 2021.

\*Brian D. Quintenz, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2020.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON:

S. 3406. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such

providers carry liability insurance; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself, Mr. ISAKSON, and Mr. CORNYN):

S. 3407. A bill to amend the Public Health Service Act to facilitate assignment of military trauma care providers to civilian trauma centers in order to maintain military trauma readiness and to support such centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mrs. CAPITO):

S. 3408. A bill to amend the Rural Electrification Act of 1936 to provide grants for access to broadband telecommunications services in rural areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself and Mr. CARDIN):

S. 3409. A bill to amend the Internal Revenue Code of 1986 to include foster care transition youth as members of a targeted group for purposes of the work opportunity credit; to the Committee on Finance.

By Mr. MCCAIN:

S. 3410. A bill to direct the Secretary of Veterans Affairs to conduct an independent review of the deaths of certain veterans by suicide, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NELSON:

S. 3411. A bill to prohibit the Administrator of the Federal Emergency Management Agency from taking administrative action to recover certain payments for disaster or emergency assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARKEY:

S. 3412. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 3413. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr.

COATS, Mr. BLUNT, Mr. RUBIO, Mr. KIRK, Mr. COTTON, Mr. BOOZMAN, Mr. CRUZ, and Mr. SCOTT):

S. 3414. A bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens; to the Committee on Foreign Relations.

By Mr. PERDUE:

S. 3415. A bill to require Federal agencies to issue appropriate identification for the carrying of concealed firearms by qualified law enforcement officers and qualified retired law enforcement officers; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. PERDUE):

S. 3416. A bill to amend the Internal Revenue Code of 1986 to modify certain rules applicable to qualified small issue manufacturing bonds; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. ENZI):

S. 3417. A bill to amend the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for the electronic delivery of pension plan information; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON (for himself and Mr. RUBIO):

S. 3418. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself and Mr. MORAN):

S. 3419. A bill to amend the Veterans' Oral History Project Act to allow the collection of video and audio recordings of biographical histories by immediate family members of members of the Armed Forces who died as a result of their service during a period of war, and for other purposes; to the Committee on Rules and Administration.

By Ms. STABENOW:

S. 3420. A bill to promote urban agricultural production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BLUMENTHAL (for himself, Mr. MARKEY, Mrs. SHAHEEN, Mr. BROWN, and Ms. CANTWELL):

S. 3421. A bill to require air carriers to provide all flight attendants with scheduled rest periods of at least 10 consecutive hours between duty periods and to comply with fatigue management plans for flight attendants that have been approved by the Federal Aviation Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN:

S. 3422. A bill to require non-Federal prison, correctional, and detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to make available; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself and Mrs. ERNST):

S. 3423. A bill to provide for the issuance of a "Gold Star Families Forever Stamp" to honor the sacrifices of families who have lost a loved one who was a member of the Armed Forces in combat; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER:

S. 3424. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax by insurance companies through reinsurance with non-taxed affiliates; to the Committee on Finance.

By Mr. INHOFE:

S. 3425. A bill to amend the Internal Revenue Code of 1986 to permanently extend the depreciation rules for property used predominantly within an Indian reservation, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself and Mr. MENENDEZ):

S. 3426. A bill to provide nonprofit organizations and local governments with the opportunity to match a bid with respect to the sale of certain non-performing loans by the Government-sponsored enterprises and the Federal Housing Administration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself and Mr. TESTER):

S. 3427. A bill to amend the Toxic Substances Control Act to require the Administrator of the Environmental Protection Agency to take action to eliminate human exposure to asbestos, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN:

S. 3428. A bill to amend the Internal Revenue Code of 1986 to ensure that new wind turbines located near certain military installations are ineligible for the renewable electricity production credit and the energy credit; to the Committee on Finance.

By Mr. VITTER:

S. 3429. A bill to delay the implementation of the overtime rule submitted by the Department of Labor entitled "Defining and Delimiting the Exemptions for Executive,

Administrative, Professional, Outside Sales and Computer Employees" for a period of 2 years in States in which the President has declared that a major disaster exists; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HEINRICH (for himself, Mr. WYDEN, and Mr. UDALL):

S. 3430. A bill to establish the Bureau of Land Management Foundation to encourage, obtain, and use gifts, devises, and bequests for projects for the benefit of, or in connection with, activities and services of the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. 3431. A bill to coordinate and advance fibrosis research activities at the National Institutes of Health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. COONS, Mr. LEAHY, Mr. BOOKER, and Mr. FRANKEN):

S. 3432. A bill to reform the use of solitary confinement and other forms of restrictive housing in the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Mrs. MURRAY:

S. 3433. A bill to coordinate, manage, and implement the Department of Labor's evaluation and research programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN:

S. 3434. A bill to require the Secretary of Veterans Affairs to improve the provision of services and benefits from the Department of Veterans Affairs for veterans who experience domestic violence or sexual assault, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROBERTS (for himself, Mr. FRANKEN, Mr. BARRASSO, and Ms. HEITKAMP):

S. 3435. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. RUBIO (for himself, Mr. FLAKE, and Mr. MORAN):

S. 3436. A bill to prevent proposed regulations relating to restrictions on liquidation of an interest with respect to estate, gift, and generation-skipping transfer taxes from taking effect; to the Committee on Finance.

By Mr. HOEVEN (for himself and Ms. HEITKAMP):

S. 3437. A bill to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota; to the Committee on Energy and Natural Resources.

By Mr. HELLER:

S. 3438. A bill to authorize the Secretary of Veterans Affairs to carry out a major medical facility project in Reno, Nevada; to the Committee on Veterans' Affairs.

By Mr. PAUL:

S. 3439. A bill to streamline the application process for H-2A employers and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself and Mr. BENNET):

S. 3440. A bill to amend the Internal Revenue Code of 1986 to provide uniform standards for the use of electronic signatures for third-party disclosure authorizations; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Mr. PORTMAN):

S. 3441. A bill to provide for the vacating of certain convictions and expungement of cer-

tain arrests of victims of human trafficking; to the Committee on the Judiciary.

By Mr. BLUMENTHAL:

S. 3442. A bill to amend the Terrorism Risk Insurance Act of 2002 to provide for the release of certain blocked assets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PERDUE:

S. 3443. A bill to prohibit the United States Government from making cash payments to state sponsors of terrorism, and for other purposes; to the Committee on Foreign Relations.

By Mr. KIRK:

S. 3444. A bill to clarify the hours of service requirements for education support professionals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mrs. MURRAY, Mr. DURBIN, and Ms. BALDWIN):

S. 3445. A bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services with respect to States and private employers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself and Mr. WICKER):

S. 3446. A bill to amend the Americans with Disabilities Act of 1990 regarding remedies and procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself and Ms. BALDWIN):

S. 3447. A bill to direct the Secretary of the Army to place in Arlington National Cemetery a memorial honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. AYOTTE:

S. 3448. A bill to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives, to require the expeditious public transmission to the Archivist and the public disclosure of Missing Armed Forces Personnel records, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KIRK (for himself, Mr. TILLIS, Mr. CASSIDY, Mr. SESSIONS, Ms. AYOTTE, and Mr. GRASSLEY):

S. 3449. A bill to require the Secretary of Homeland Security to develop a program for labeling cultural property of Iraq or Syria legally entering the United States; to the Committee on Finance.

By Mr. BROWN:

S. 3450. A bill to amend the Internal Revenue Code of 1986 to include electric charging of certain vehicle as a qualified transportation fringe benefit excluded from gross income; to the Committee on Finance.

By Mr. BROWN:

S. 3451. A bill to provide a refundable and advanceable tax credit for individuals with young children; to the Committee on Finance.

By Mrs. MCCASKILL (for herself and Mr. MORAN):

S. 3452. A bill to authorize the United States Postal Service to carry out emergency suspensions of post offices in accordance with certain procedures, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAINES:

S. 3453. A bill to amend provisions in the securities laws relating to regulation crowdfunding to raise the dollar amount limit and to clarify certain requirements and exclusions for funding portals established by such Act; to the Committee on Banking, Housing, and Urban Affairs.



By Mr. CARPER (for himself and Mr. ROBERTS):

S. 3454. A bill to improve medication adherence; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. LEE):

S. 3455. A bill to allow for the expedited approval of generic prescription drugs and temporary importation of prescription drugs in the case of noncompetitive drug markets and drug shortages; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER (for himself, Mr. MURPHY, and Mr. SCHATZ):

S. 3456. A bill to establish the Office for Partnerships Against Violent Extremism of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GARDNER (for himself and Mr. COONS):

S. 3457. A bill to establish Centers for Medicare & Medicaid Services SBIR or STTR program grants which shall be known as Medicare commercialization grants; to the Committee on Finance.

By Mr. HEINRICH (for himself and Ms. COLLINS):

S. 3458. A bill to establish programs to improve family economic security by breaking the cycle of multigenerational poverty, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN (for himself, Mr. DAINES, Mr. WICKER, and Mr. MCCONNELL):

S. 3459. A bill to amend the Internal Revenue Code of 1986 to enhance the requirements for secure geological storage of carbon dioxide for purposes of the carbon dioxide sequestration credit; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL:

S. Res. 583. A resolution amending the Standing Rules of the Senate to ensure that the Senate votes on whether to confirm judicial nominees; to the Committee on Rules and Administration.

By Mr. CRUZ (for himself, Mr. RUBIO, and Mr. MENENDEZ):

S. Res. 584. A resolution acknowledging the peaceful hunger strike of Guillermo "El Coco" Farinas, a political dissident in Cuba, applauding his bravery and commitment to human rights, and expressing solidarity with him and his cause; to the Committee on Foreign Relations.

By Mr. HOEVEN (for himself, Mr. ROBERTS, Ms. HEITKAMP, Mr. PETERS, and Mr. TESTER):

S. Res. 585. A resolution designating October 26, 2016, as "Day of the Deployed"; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 586. A resolution honoring the life of Jacob Wetterling and recognizing the efforts of Jacob Wetterling's family to find abducted children and support the families of those children; considered and agreed to.

By Mr. ISAKSON (for himself and Mr. BLUMENTHAL):

S. Res. 587. A resolution permitting the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

By Mr. FRANKEN (for himself, Mr. CARPER, Mr. WYDEN, Mr. HEINRICH,

Mr. DURBIN, Mrs. FEINSTEIN, Mr. COCHRAN, and Mr. BOOZMAN):

S. Res. 588. A resolution recognizing the month of October 2016 as "National Principals Month"; considered and agreed to.

By Mr. WICKER (for himself, Mr. COCHRAN, and Mr. GRAHAM):

S. Res. 589. A resolution honoring the 50th anniversary of Reformed Theological Seminary; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Con. Res. 52. A concurrent resolution honoring Vincent Edward "Vin" Scully, the United States baseball broadcaster who has magnificently served as the play-by-play announcer for the Brooklyn and Los Angeles Dodgers for 67 Major League Baseball seasons since 1950; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. Con. Res. 53. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 5325; considered and agreed to.

By Mr. KIRK (for himself and Mr. BLUMENTHAL):

S. Con. Res. 54. A concurrent resolution expressing the sense of Congress and reaffirming longstanding United States policy in support of a direct bilaterally negotiated settlement of the Israeli-Palestinian conflict and opposition to United Nations Security Council resolutions imposing a solution to the conflict; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 50

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 50, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

S. 71

At the request of Mr. VITTER, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 71, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 241

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 241, a bill to amend title 38, United States Code, to provide for the payment of temporary compensation to a surviving spouse of a veteran upon the death of the veteran, and for other purposes.

S. 370

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 370, a bill to require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes.

S. 386

At the request of Mr. THUNE, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Nevada (Mr. HELLER) were added

as cosponsors of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 609

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 609, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 681

At the request of Mrs. GILLIBRAND, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 746

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 746, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 1214

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1214, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1400

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1400, a bill to amend the Small Business Act to direct the task force of the Office of Veterans Business Development to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses.

S. 1677

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 1677, a bill to amend the Internal Revenue Code of 1986 to reinstate estate and generation-skipping taxes, and for other purposes.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 2031

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2031, a bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2040

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2040, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 2176

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2176, a bill to expand the use of open textbooks in order to achieve savings for students.

S. 2253

At the request of Mr. BLUMENTHAL, the names of the Senator from Nevada (Mr. HELLER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2253, a bill to amend title 38, United States Code, to provide veterans affected by closures of educational institutions certain relief and restoration of educational benefits, and for other purposes.

S. 2484

At the request of Mr. SCHATZ, the names of the Senator from Illinois (Mr. KIRK), the Senator from New York (Mrs. GILLIBRAND), the Senator from Montana (Mr. DAINES) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2484, a bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes.

S. 2506

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2506, a bill to restore statutory rights to the people of the United States from forced arbitration.

S. 2595

At the request of Mr. CRAPO, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2645

At the request of Mrs. SHAHEEN, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 2645, a bill to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender individuals, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Iowa (Mr.

GRASSLEY), the Senator from Mississippi (Mr. WICKER), the Senator from Colorado (Mr. BENNET) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2680, *supra*.

S. 2750

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2750, a bill to amend the Internal Revenue Code to extend and modify certain charitable tax provisions.

S. 2851

At the request of Mr. THUNE, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2851, a bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

S. 2957

At the request of Mr. NELSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2957, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 50th anniversary of the first manned landing on the Moon.

S. 2962

At the request of Ms. CANTWELL, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2962, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 2989

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 3034

At the request of Mr. CRUZ, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3034, a bill to prohibit the National Telecommunications and Information Administration from allowing the Internet Assigned Numbers Authority functions contract to lapse unless specifically authorized to do so by an Act of Congress.

S. 3039

At the request of Mr. KING, the name of the Senator from Hawaii (Mr.

SCHATZ) was added as a cosponsor of S. 3039, a bill to support programs for mosquito-borne and other vector-borne disease surveillance and control.

S. 3043

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3043, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes.

S. 3095

At the request of Mr. BOOKER, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3095, a bill to prohibit sale of shark fins and for other purposes.

S. 3106

At the request of Mr. REID, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 3106, a bill to provide a coordinated regional response to effectively manage the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras.

S. 3127

At the request of Mr. HEINRICH, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3127, a bill to amend title 18, United States Code, to enhance protections of Native American cultural objects, and for other purposes.

S. 3142

At the request of Ms. BALDWIN, the names of the Senator from Utah (Mr. HATCH), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Ms. WARREN), the Senator from Arizona (Mr. MCCAIN), the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 3142, a bill to require reporting on acts of certain foreign countries on Holocaust era assets and related issues.

S. 3164

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 3164, a bill to provide protection for survivors of domestic violence or sexual assault under the Fair Housing Act.

S. 3177

At the request of Mr. HELLER, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3177, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-exempt financing of certain government-owned buildings.

S. 3179

At the request of Ms. HEITKAMP, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3179, a bill to amend the Internal Revenue Code of 1986 to improve and extend the credit for carbon dioxide sequestration.

S. 3183

At the request of Mr. MORAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3183, a bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

S. 3198

At the request of Mr. HATCH, the names of the Senator from Nevada (Mr. HELLER), the Senator from Vermont (Mr. SANDERS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3227

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3227, a bill to direct the President to establish an interagency mechanism to coordinate United States development programs and private sector investment activities, and for other purposes.

S. 3256

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3256, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the goal of all children in school and learning as an objective of the United States foreign assistance policy, and for other purposes.

S. 3269

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 3269, a bill to require the Attorney General to make a determination as to whether cannabidiol should be a controlled substance and listed in a schedule under the Controlled Substances Act and to expand research on the potential medical benefits of cannabidiol and other marijuana components.

S. 3281

At the request of Mr. REID, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3281, a bill to extend the Iran Sanctions Act of 1996.

S. 3284

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3284, a bill to oppose loans at international financial institutions for the Government of Nicaragua unless the Government of Nicaragua is taking effective steps to hold free, fair, and transparent elections, and for other purposes.

S. 3288

At the request of Mrs. KLOBUCHAR, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Colorado (Mr. GARDNER) were added as

cosponsors of S. 3288, a bill to amend the Food Security Act of 1985 to exempt certain recipients of Department of Agriculture conservation assistance from certain reporting requirements, and for other purposes.

S. 3292

At the request of Mr. PORTMAN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3292, a bill to amend the Tariff Act of 1930 to make the Postmaster General the importer of record for the non-letter class mail and to require the provision of advance electronic information about shipments of non-letter class mail to U.S. Customs and Border Protection, and for other purposes.

S. 3304

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. HATCH), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Texas (Mr. CORNYN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 3304, a bill to direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line.

S. 3308

At the request of Mrs. CAPITO, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 3308, a bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies.

S. 3311

At the request of Mr. SASSE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3311, a bill to amend the Internal Revenue Code of 1986 to exempt individuals whose health plans under the Consumer Operated and Oriented Plan program have been terminated from the individual mandate penalty.

S. 3355

At the request of Mr. COTTON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3355, a bill to prohibit funding for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in the event the United Nations Security Council adopts a resolution that obligates the United States or affirms a purported obligation of the United States to refrain from actions that would run counter to the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.

S. 3391

At the request of Mr. REED, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3391, a bill to reauthorize the Museum and Library Services Act.

S. 3392

At the request of Mr. ISAKSON, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S.

3392, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare Administrative Contractors issue local coverage determinations under the Medicare Program, and for other purposes.

S. 3405

At the request of Mr. DAINES, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mrs. FISCHER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. MORAN), the Senator from Arkansas (Mr. COTTON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3405, a bill to transfer certain items from the United States Munitions List to the Commerce Control List.

S. CON. RES. 51

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Con. Res. 51, a concurrent resolution expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991.

S. RES. 536

At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 536, a resolution proclaiming the week of October 30 through November 5, 2016, as "National Obesity Care Week".

S. RES. 570

At the request of Mr. MURPHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Res. 570, a resolution recognizing the importance of substance abuse disorder treatment and recovery in the United States.

S. RES. 581

At the request of Mr. BLUMENTHAL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 581, a resolution prohibiting the Senate from adjourning, recessing, or convening in a pro forma session unless the Senate has provided a hearing and a vote on the pending nomination to the position of justice of the Supreme Court of the United States.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 3428. A bill to amend the Internal Revenue Code of 1986 to ensure that new wind turbines located near certain military installations are ineligible for the renewable electricity production credit and the energy credit; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3428

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Protection of Military Airfields from Wind Turbine Encroachment Act”.

## SEC. 2. NEW WIND TURBINES LOCATED NEAR CERTAIN MILITARY INSTALLATIONS.

(a) IN GENERAL.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “Such term” and all that follows through the period and inserting the following: “Such term shall not include—

“(A) any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section, or

“(B) any facility which is originally placed in service after the date of the enactment of the Protection of Military Airfields from Wind Turbine Encroachment Act and is located within a 30-mile radius of—

“(i) an airfield or airbase under the jurisdiction of a military department which is in active use, or

“(ii) an air traffic control radar site, weather radar site, or aircraft navigation aid which is—

“(I) owned or operated by the Department of Defense, and

“(II) a permanent land-based structure at a fixed location.”.

(b) QUALIFIED SMALL WIND ENERGY PROPERTY.—Paragraph (4) of section 48(c) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subparagraph (C) as subparagraph (D), and

(2) by inserting after subparagraph (B) the following:

“(C) EXCEPTION.—The term ‘qualified small wind energy property’ shall not include any property which is originally placed in service after the date of the enactment of the Protection of Military Airfields from Wind Turbine Encroachment Act and is located within a 30-mile radius of any property described in clause (i) or (ii) of section 45(d)(1)(B).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. COONS, Mr. LEAHY, Mr. BOOKER, and Mr. FRANKEN):

S. 3432. A bill to reform the use of solitary confinement and other forms of restrictive housing in the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I come to the floor today to introduce the Solitary Confinement Reform Act, a bill that would make significant reforms to the use of solitary confinement in federal prisons and encourage states to implement similar reforms. Before I discuss what this legislation would do, let me explain why I am introducing it.

Several years ago, I read an article in the New Yorker magazine entitled “Hellhole.” This article was written by Dr. Atul Gawande, a medical doctor who examined the human impact of long-term solitary confinement in American prisons. In this article, Dr. Gawande asked:

If prolonged isolation is—as research and experience have confirmed for decades—so objectively horrifying, so intrinsically cruel, how did we end up with a prison system that may subject more of our own citizens to it than any other country in history has?

At the time, I was serving as Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, and I decided to hold a hearing on solitary confinement—the first-ever congressional hearing on the topic. It turned out to be a hearing that I will never forget.

One of our witnesses at the hearing was Anthony Graves. I will never forget Mr. Graves’ testimony. He spent 18 years in prison, including 16 years in solitary confinement. In 2010, he became the 12th death row inmate to be exonerated in Texas. Think about that—Mr. Graves spent 16 years in solitary for a crime he didn’t commit. At the hearing, Mr. Graves testified about his experience, and here is what he said:

I lived under some of the worst conditions imaginable with the filth, the food, the total disrespect of human dignity. I lived under the rules of a system that is literally driving men out of their minds.

He went on to say:

Solitary confinement does one thing, it breaks a man’s will to live and he ends up deteriorating. He’s never the same person again. . . . I have been free for almost two years and I still cry at night, because no one out here can relate to what I have gone through. I battle with feelings of loneliness. I’ve tried therapy but it didn’t work. The therapist was crying more than me. She couldn’t believe that our system was putting men through this sort of inhumane treatment.

I think that sentiment echoed through the minds of everyone in the hearing room as Mr. Graves gave his testimony. We couldn’t believe that our system was putting inmates through this sort of inhumane treatment.

Mr. Graves’ story shed light on the damaging impact of holding tens of thousands of men, women, and children in small windowless cells 23 hours a day—for weeks, months, years—with very little, if any, contact with the outside world. Clearly, such extreme isolation can have serious psychological effects on inmates.

At the hearing, we also examined the serious fiscal impact of solitary confinement. We learned that in a federal high security facility, the cost of housing an inmate in segregation is about 1.3 times the cost of housing an inmate in a general population unit. At the Federal supermax prison in Florence, CO, the cost of housing an inmate in segregation is more than 2.5 times the cost of housing an inmate in the general population. Is this a wise use of taxpayer dollars when the money we spend on our Federal prisons already consumes one quarter of the Department of Justice’s budget every year? So every dollar that we spend holding a prisoner in solitary confinement is a dollar that we don’t spend on commu-

nity policing, crime prevention, and drug treatment.

We also discussed the significant public safety consequences of widespread solitary confinement. Some people might ask, “What happens in our prisons doesn’t affect me, so why should I care?” But consider this—the vast majority of inmates held in segregation will be released into our communities someday. So if solitary confinement destabilizes prisoners and makes them more likely to engage in violence or other criminal conduct, then that affects all of us.

Two years after my first hearing, I held a follow-up hearing. At that hearing, we heard from Damon Thibodeaux, who spent 15 years in solitary confinement at the Louisiana State Penitentiary before he was exonerated in 2012. Mr. Thibodeaux testified:

I do not condone what those who have killed and committed other serious offenses have done. But I also don’t condone what we do to them, when we put them in solitary for years on end and treat them as sub-human. We are better than that. As a civilized society, we should be better than that.

Mr. Thibodeaux was right. We should be better than that. Thankfully, our society is beginning to recognize that the widespread use of solitary confinement in our prison system must change.

In 2014, Supreme Court Justice Anthony Kennedy testified to Congress that, quote, “solitary confinement literally drives men mad.” Last year, Justice Kennedy again brought up the issue in a powerful concurring opinion. He wrote, quote, “research still confirms what this Court suggested over a century ago: Years on end of near-total isolation exacts a terrible price.” He went on to note that, quote, “the judiciary may be required . . . to determine whether workable alternative systems for long-term confinement exist, and, if so, whether a correctional system should be required to adopt them.”

Pope Francis has also criticized solitary confinement. In a 2014 speech at the Vatican, he referred to the practice of extreme isolation as “torture” and “a genuine surplus of pain added to the actual suffering of imprisonment.” He went on to say:

The lack of sensory stimuli, the total impossibility of communication and the lack of contact with other human beings induce mental and physical suffering such as paranoia, anxiety, depression, weight loss, and significantly increase the suicidal tendency.

I still don’t fully understand how our society reached a point at which the overuse of solitary confinement became acceptable, or normal. But I know that we need to do something about it.

In light of the mounting evidence of the harmful, even dangerous, impacts of solitary confinement, states around the country have led the way in reassessing the practice. Take Colorado, for example, which has implemented a number of critical reforms. Colorado no longer releases offenders directly

from solitary to the community and no longer places inmates with serious mental illness in solitary. Have these reforms made Colorado's prisons less safe? No, in fact since Colorado changed its solitary confinement practices, inmate-on-staff assaults are at their lowest levels since 2006, incidents of self-harm have decreased, and most inmates released from solitary are not returning.

Progress has been made at the Federal level as well. After my 2014 hearing I called for an end to solitary confinement for juveniles, pregnant women, and inmates with serious mental illness in our federal prisons. I also asked the Federal Bureau of Prisons to submit for the first time to an outside independent assessment of its solitary confinement practices. The assessment, released last year, noted that some improvements have been made since the hearing, most importantly in the declining number of inmates in solitary confinement. The assessment also made a number of recommendations for additional reforms, such as improving mental health care for inmates in segregation and establishing alternatives to segregation for inmates in protective custody. BOP began taking steps to address these issues following the release of the assessment.

Last year, building upon this independent assessment, the Department of Justice undertook a review of the Bureau of Prisons' use of solitary confinement. This January, President Obama announced that he had accepted a number of DOJ's recommendations to reform and reduce the practice of solitary confinement in the Federal prison system—including implementing the ban on juvenile solitary confinement that I called for in 2014.

I welcome the reforms that the President announced, and I am glad to see that the Bureau of Prisons is making some progress in implementing these reforms. However, our Federal prison system is still housing more than 10,000 inmates in segregation as I speak. The number of inmates in solitary confinement since my first hearing has decreased from about 13,600 to about 10,400. But the number of total Federal prisoners has also dropped significantly since 2012. So the percentage of Federal prisoners in solitary has only gone down from 7.8 percent to 6.7 percent. Clearly, there is much more work to be done.

That is why Senator COONS and I are joining together to introduce the Solitary Confinement Reform Act. This legislation will build on the Justice Department's recommendations to further reform and reduce the use of solitary confinement in Federal prisons.

Our bill ensures that inmates are only placed in solitary confinement when absolutely necessary—such as to control a substantial and immediate threat to the safety of other inmates or corrections staff, or to punish an inmate for a significant and serious disciplinary violation.

Our bill also improves the conditions of confinement for prisoners in solitary and establishes firm time limits on segregation, in order to combat long-term isolation. However, we recognize that some extremely dangerous inmates require long-term separation from the general population. That's why our bill ensures that BOP can continue to separate those inmates who pose the greatest risk to other inmates, staff, and the general public.

Among the most important provisions in our bill are the strict limits on the use of solitary confinement for inmates nearing their release date, inmates in protective custody, LGBT inmates, and inmates who are minors, have a serious mental illness, have an intellectual or physical disability, or are pregnant or in the first eight weeks of postpartum recovery after birth.

For inmates who are placed in segregated housing, our bill improves access to mental health care and ensures that a robust review process is in place. Additionally, our bill increases transparency and accountability by requiring the Attorney General to establish a Civil Rights Ombudsman within the Bureau of Prisons to review inmate complaints, and directing BOP to submit an annual assessment to Congress detailing their solitary confinement policies, regulations, and data. Finally, our bill establishes a National Resource Center on Solitary Confinement Reform that would provide vital resources to state and local jurisdictions as corrections systems around the country pursue reductions in solitary confinement.

I want to thank Senator COONS for working with me on this legislation, and Senators BOOKER, LEAHY, and FRANKEN for joining as original cosponsors of the bill.

I also want to thank the ACLU, The Leadership Conference on Civil and Human Rights, Human Rights Watch, Just Detention International, Campaign for Youth Justice, Center for Children's Law and Policy, Human Rights Campaign, National Alliance on Mental Illness, National Religious Campaign Against Torture, Bend the Arc Jewish Action, Interfaith Action for Human Rights, T'ruah: The Rabbinic Call for Human Rights, and Washington Lawyers' Committee for Civil Rights and Urban Affairs for endorsing the Solitary Confinement Reform Act.

This legislation is one of many steps we should take to reform our criminal justice system and make our country safer, more just, and more fiscally responsible. I urge my colleagues to support the Solitary Confinement Reform Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3432

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Solitary Confinement Reform Act".

## SEC. 2. SOLITARY CONFINEMENT REFORMS.

(a) AMENDMENT.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

### "§ 4050. Solitary confinement

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATIVE MAXIMUM FACILITY.—The term 'administrative maximum facility' means a maximum-security facility, including the Administrative Maximum facility in Florence, Colorado, designed to house inmates who present an ongoing significant and serious threat to other inmates, staff, and the public.

"(2) ADMINISTRATIVE SEGREGATION.—The term 'administrative segregation' means a non-punitive form of solitary confinement that removes an individual from the general population of a correctional facility for—

"(A) investigative, protective, or preventative reasons resulting in a substantial and immediate threat; or

"(B) transitional reasons, including a pending transfer, pending classification, or other temporary administrative matter.

"(3) APPROPRIATE LEVEL OF CARE.—The term 'appropriate level of care' means the appropriate treatment setting for mental health care that an inmate with mental illness requires, which may include outpatient care, emergency or crisis services, day treatment, supported residential housing, inpatient care, or inpatient psychiatric hospitalization services.

"(4) DIRECTOR.—The term 'Director' means the Director of the Bureau of Prisons.

"(5) DISCIPLINARY HEARING OFFICER.—The term 'disciplinary hearing officer' means an employee of the Bureau of Prisons who is responsible for conducting disciplinary hearings for which solitary confinement may be a sanction, as described in section 541.8 of title 28, Code of Federal Regulations, or any successor thereto.

"(6) DISCIPLINARY SEGREGATION.—The term 'disciplinary segregation' means a punitive form of solitary confinement imposed only by a Disciplinary Hearing Officer as a sanction for committing a significant and serious disciplinary infraction.

"(7) INTELLECTUAL DISABILITY.—The term 'intellectual disability' means a significant mental impairment characterized by significant limitations in both intellectual functioning and in adaptive behavior.

"(8) MULTIDISCIPLINARY STAFF COMMITTEE.—The term 'multidisciplinary staff committee' means a committee—

"(A) made up of staff at the facility where an inmate resides who are responsible for reviewing the initial placement of the inmate in solitary confinement and any extensions of time in solitary confinement; and

"(B) which shall include—

"(i) not less than 1 licensed mental health professional;

"(ii) not less than 1 medical professional; and

"(iii) not less than 1 member of the leadership of the facility.

"(9) ONGOING SIGNIFICANT AND SERIOUS THREAT.—The term 'ongoing significant and serious threat' means an ongoing set of circumstances that require the highest level of security and staff supervision for an inmate who, by the behavior of the inmate—

"(A) has been identified as assaultive, predacious, riotous, or a serious escape risk; and

"(B) poses a great risk to other inmates, staff, and the public.

"(10) PROTECTION CASE.—The term 'protection case' means an inmate who, by the request of the inmate or through a staff determination, requires protection, as described

by section 541.23(c)(3) of title 28, Code of Federal Regulations, or any successor thereto.

“(11) **SERIOUS MENTAL ILLNESS.**—The term ‘serious mental illness’ means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

“(12) **SIGNIFICANT AND SERIOUS DISCIPLINARY INFRACTION.**—The term ‘significant and serious disciplinary infraction’ means—

“(A) an act of violence that either—

“(i) resulted in or was likely to result in serious injury or death to another; or

“(ii) occurred in connection with any act of non-consensual sex; or

“(B) an escape, attempted escape, or conspiracy to escape from within a security perimeter or custody, or both; or

“(C) possession of weapons, possession of illegal narcotics with intent to distribute, or other similar, severe threats to the safety of the inmate, other inmates, staff, or the public.

“(13) **SOLITARY CONFINEMENT.**—The term ‘solitary confinement’ means confinement characterized by substantial isolation in a cell, alone or with other inmates, including administrative segregation, disciplinary segregation, and confinement in any facility designated by the Bureau of Prisons as a special housing unit, special management unit, or administrative maximum facility.

“(14) **SPECIAL ADMINISTRATIVE MEASURES.**—The term ‘special administrative measures’ means reasonably necessary measures used to—

“(A) prevent disclosure of classified information upon written certification to the Attorney General by the head of an element of the intelligence community (as specified or designated under section 3(4) of the National Security act of 1947 (50 U.S.C. 3003(4))) that the unauthorized disclosure of such information would pose a threat to the national security and that there is a danger that the inmate will disclose such information, as described by section 501.2 of title 28, Code of Federal Regulations, or any successor thereto; or

“(B) protect persons against the risk of death or serious bodily injury, upon written notification to the Director by the Attorney General or, at the Attorney General’s direction, by the head of a Federal law enforcement agency, or the head of an element of the intelligence community (as specified or designated under section 3(4) of the National Security act of 1947 (50 U.S.C. 3003(4))), that there is a substantial risk that the communications of an inmate or contacts by the inmate with other persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons, as described by section 501.3 of title 28, Code of Federal Regulations, or any successor thereto.

“(15) **SPECIAL HOUSING UNIT.**—The term ‘special housing unit’ means a housing unit in an institution of the Bureau of Prisons in which inmates are securely separated from the general inmate population for disciplinary or administrative reasons, as described in section 541.21 of title 28, Code of Federal Regulations, or any successor thereto.

“(16) **SPECIAL MANAGEMENT UNIT.**—The term ‘special management unit’ means a non-punitive housing program with multiple, step-down phases for inmates whose history, behavior, or situation requires enhanced management approaches in order to ensure the safety of other inmates, the staff, and the public.

“(17) **SUBSTANTIAL AND IMMEDIATE THREAT.**—The term ‘substantial and immediate threat’ means any set of temporary and unforeseen circumstances that require

immediate action in order to combat a threat to the safety of an inmate, other inmates, staff, or the public.

“(b) **USE OF SOLITARY CONFINEMENT.**—

“(1) **IN GENERAL.**—The placement of a Federal inmate in solitary confinement within the Bureau of Prisons or any facility that contracts with the Bureau of Prisons to provide housing for inmates in Federal custody shall be limited to situations in which such confinement—

“(A) is limited to the briefest term and the least restrictive conditions practicable, including not less than 4 hours of out-of-cell time every day, unless the inmate poses a substantial and immediate threat;

“(B) is consistent with the rationale for placement and with the progress achieved by the inmate;

“(C) allows the inmate to participate in meaningful programming opportunities and privileges as consistent with those available in the general population as practicable, either individually or in a classroom setting;

“(D) allows the inmate to have as much meaningful interaction with others, such as other inmates, visitors, clergy, or licensed mental health professionals, as practicable; and

“(E) complies with the provisions of this section.

“(2) **TRANSITIONAL PROCESS FOR INMATES IN SOLITARY CONFINEMENT.**—

“(A) **INMATES WITH UPCOMING RELEASE DATES.**—The Director shall establish—

“(i) policies to ensure that an inmate with an anticipated release date of 180 days or less is not housed in solitary confinement, unless—

“(I) such confinement is limited to not more than 5 days of administrative segregation relating to the upcoming release of the inmate; or

“(II) the inmate poses a substantial and immediate threat; and

“(ii) a transitional process for each inmate with an anticipated release date of 180 days or less who is held in solitary confinement under clause (i)(II), which shall include—

“(I) substantial re-socialization programming in a group setting;

“(II) regular mental health counseling to assist with the transition; and

“(III) re-entry planning services offered to inmates in a general population setting.

“(B) **INMATES IN LONG-TERM SOLITARY CONFINEMENT.**—The Director shall establish a transitional process for each inmate who has been held in solitary confinement for more than 30 days and who will transition into a general population unit, which shall include—

“(i) substantial re-socialization programming in a group setting; and

“(ii) regular mental health counseling to assist with the transition.

“(3) **PROTECTIVE CUSTODY UNITS.**—The Director—

“(A) shall establish within the Federal prison system additional general population protective custody units that provide sheltered general population housing to protect inmates from harm that they may otherwise be exposed to in a typical general population housing unit;

“(B) shall establish policies to ensure that an inmate who is considered a protection case shall, upon request of the inmate, be placed in a general population protective custody unit;

“(C) shall create an adequate number of general population protective custody units to—

“(i) accommodate the requests of inmates who are considered to be protection cases; and

“(ii) ensure that inmates who are considered to be protection cases are placed in fa-

cilities as close to their homes as practicable; and

“(D) may not place an inmate who is considered to be a protection case in solitary confinement due to the status of the inmate as a protection case unless—

“(i) the inmate requests to be placed in solitary confinement, in which case, at the request of the inmate the inmate shall be transferred to a general population protective custody unit or, if appropriate, a different general population unit; or

“(ii) such confinement is limited to—

“(I) not more than 5 days of administrative segregation; and

“(II) is necessary to protect the inmate during preparation for transfer to a general population protective custody unit or a different general population unit.

“(4) **VULNERABLE POPULATIONS.**—The Bureau of Prisons or any facility that contracts with the Bureau of Prisons shall not place an inmate in solitary confinement if—

“(A) the inmate is younger than 18 years of age, unless—

“(i) such confinement is a temporary response to the behavior of the inmate, which poses a substantial and immediate threat;

“(ii) all other options to de-escalate the situation have been exhausted, including less restrictive techniques such as—

“(I) penalizing the inmate through loss of privileges;

“(II) speaking with the inmate in an attempt to de-escalate the situation; and

“(III) a licensed mental health professional providing an appropriate level of care;

“(iii) such confinement is limited to—

“(I) 3 hours after the inmate is placed in solitary confinement, if the inmate poses a substantial and immediate threat to others; or

“(II) 30 minutes after the inmate is placed in solitary confinement, if the inmate poses a substantial and immediate threat only to himself or herself; and

“(iv) if, after the applicable maximum period of confinement under subclause (I) or (II) of clause (iii) has expired, the inmate continues to pose a substantial and immediate threat described in that subclause—

“(I) the inmate shall be transferred to another facility or internal location where services can be provided to the inmate without relying on solitary confinement; or

“(II) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the facility shall initiate a referral to a location that can meet the needs of the inmate;

“(B) the inmate has a serious mental illness, has an intellectual disability, has a physical disability that a licensed medical professional finds is likely to be exacerbated by placement in solitary confinement, is pregnant or in the first 8 weeks of the postpartum recovery period after giving birth, or has been determined by a licensed mental health professional to likely be significantly adversely affected by placement in solitary confinement, unless—

“(i) the inmate poses a substantial and immediate threat;

“(ii) all other options to de-escalate the situation have been exhausted, including less restrictive techniques such as—

“(I) penalizing the inmate through loss of privileges;

“(II) speaking with the inmate in an attempt to de-escalate the situation; and

“(III) a licensed mental health professional providing an appropriate level of care;

“(iii) such confinement is limited to the briefest term and the least restrictive conditions practicable, including access to medical and mental health treatment;



“(iv) such confinement is reviewed by a multidisciplinary staff committee for appropriateness every 24 hours; and

“(v) as soon as practicable, but not later than 5 days after such confinement begins, the inmate is diverted, upon release from solitary confinement, to—

“(I) a general population unit;

“(II) a protective custody unit described in paragraph (3); or

“(III) a mental health treatment program as described in subsection (c)(2); or

“(C) the inmate is lesbian, gay, bisexual, transgender (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), intersex (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), or gender nonconforming (as defined in section 115.5 of title 28, Code of Federal Regulations, or any successor thereto), when such placement is solely on the basis of such identification or status.

“(5) SPECIAL HOUSING UNITS.—The Director shall—

“(A) limit administrative segregation—

“(i) to situations in which such segregation is necessary to—

“(I) control a substantial and immediate threat that cannot be addressed through alternative housing; or

“(II) temporarily house an inmate pending transfer, pending classification, or pending resolution of another temporary administrative matter; and

“(ii) to a duration of not more than 15 consecutive days, and not more than 20 days in a 60-day period, unless—

“(I) the inmate requests to remain in administrative segregation under paragraph (3)(D)(i); or

“(II) in order to address the continued existence of a substantial and immediate threat, a multidisciplinary staff committee approves a temporary extension, which—

“(aa) may not be longer than 15 days; and

“(bb) shall be reviewed by the multidisciplinary staff committee every 3 days during the period of the extension, in order to confirm the continued existence of the substantial and immediate threat;

“(B) limit disciplinary segregation—

“(i) to situations in which such segregation is necessary to punish an inmate who has been found to have committed a significant and serious disciplinary infraction by a Disciplinary Hearing Officer and alternative sanctions would not adequately regulate the behavior of the inmate; and

“(ii) to a duration of not more than 30 consecutive days, and not more than 40 days in a 60-day period, unless a multidisciplinary staff committee, in consultation with the Disciplinary Hearing Officer who presided over the inmate's disciplinary hearing, determines that the significant and serious disciplinary infraction of which the inmate was found guilty is of such an egregious and violent nature that a longer sanction is appropriate and approves a longer sanction, which—

“(I) may be not more than 60 days in a special housing unit if the inmate has never before been found guilty of a similar significant and serious disciplinary infraction; or

“(II) may be not more than 90 days in a special housing unit if the inmate has previously been found guilty of a similar significant and serious disciplinary infraction;

“(C) ensure that any time spent in administrative segregation during an investigation into an alleged offense is credited as time served for a disciplinary segregation sentence;

“(D) ensure that concurrent sentences are imposed for disciplinary violations arising from the same episode; and

“(E) ensure that an inmate may be released from disciplinary segregation for good behavior before completing the term of the inmate, unless the inmate poses a substantial and immediate threat to the safety of other inmates, staff, or the public.

“(6) SPECIAL MANAGEMENT UNITS.—The Director shall—

“(A) limit segregation in a special management unit to situations in which such segregation is necessary to temporarily house an inmate whose history, behavior, or circumstances require enhanced management approaches that cannot be addressed through alternative housing;

“(B) evaluate whether further reductions to the minimum and maximum number of months an inmate may spend in a special management unit are appropriate on an annual basis;

“(C) ensure that each inmate understands the status of the inmate in the special management unit program and how the inmate may progress through the program; and

“(D) further reduce the minimum and maximum number of months an inmate may spend in a special management unit if the Director determines such reductions are appropriate after evaluations are performed under subparagraph (B).

“(7) ADMINISTRATIVE MAXIMUM FACILITIES.—The Director shall—

“(A) limit segregation in an administrative maximum facility to situations in which such segregation is necessary to—

“(i) implement special administrative measures, as directed by the Attorney General; or

“(ii) house an inmate who poses an ongoing significant and serious threat to the safety of other inmates, staff, or the public that cannot be addressed through alternative housing; and

“(B) issue final approval of referral of any inmate who poses an ongoing significant and serious threat for placement in an Administrative Maximum facility, including the United States Penitentiary Administrative Maximum in Florence, Colorado.

“(8) RIGHT TO REVIEW PLACEMENT IN SOLITARY CONFINEMENT.—The Director shall ensure that each inmate placed in solitary confinement has access to—

“(A) written notice thoroughly detailing the basis for placement or continued placement in solitary confinement not later than 6 hours after the beginning of such placement, including—

“(i) thorough documentation explaining why such confinement is permissible and necessary under paragraph (1); and

“(ii) if an exception under paragraph (2)(A), (3)(D), (4)(A), (4)(B), (4)(C), (5)(A), or (5)(B) is used to justify placement in solitary confinement or under paragraph (1) to justify increased restrictive conditions in solitary confinement, thorough documentation explaining why such an exception applied;

“(B) a timely, thorough, and continuous review process that—

“(i) occurs within not less than 3 days of placement in solitary confinement, and thereafter at least—

“(I) on a weekly basis for inmates in special housing units;

“(II) on a monthly basis for inmates in special management units; and

“(III) on a monthly basis for inmates at an administrative maximum facility;

“(ii) includes private, face-to-face interviews with a multidisciplinary staff committee; and

“(iii) examines whether—

“(I) placement in solitary confinement was and remains necessary;

“(II) the conditions of confinement comply with this section; and

“(III) whether any exception under paragraph (2)(A), (3)(D), (4)(A), (4)(B), (4)(C), (5)(A), or (5)(B) used to justify placement in solitary confinement or under paragraph (1) used to justify increased restrictive conditions in solitary confinement was and remains warranted;

“(C) a process to appeal the initial placement or continued placement of the inmate in solitary confinement;

“(D) prompt and timely written notice of the appeal procedures; and

“(E) copies of all documents, files, and records relating to the inmate's placement in solitary confinement, unless such documents contain contraband, classified information, or sensitive security-related information.

“(c) MENTAL HEALTH CARE FOR INMATES IN SOLITARY CONFINEMENT.—

“(1) MENTAL HEALTH SCREENING.—Not later than 6 hours after an inmate in the custody of the Bureau of Prisons or any facility that contracts with the Bureau of Prisons to provide housing for inmates in Federal custody is placed in solitary confinement, the inmate shall receive a comprehensive, face-to-face mental health evaluation by a licensed mental health professional in a confidential setting.

“(2) MENTAL HEALTH TREATMENT PROGRAM.—An inmate diagnosed with a serious mental illness after an evaluation required under paragraph (1)—

“(A) shall not be placed in solitary confinement in accordance with subsection (b)(4); and

“(B) may be diverted to a mental health treatment program within the Bureau of Prisons that provides an appropriate level of care to address the inmate's mental health needs.

“(3) CONTINUING EVALUATIONS.—After each 14-calendar-day period an inmate is held in continuous placement in solitary confinement—

“(A) a licensed mental health professional shall conduct a comprehensive, face-to-face, out-of-cell mental health evaluation of the inmate in a confidential setting; and

“(B) the Director shall adjust the placement of the inmate in accordance with this subsection.

“(4) REQUIREMENT.—The Director shall operate mental health treatment programs in order to ensure that inmates of all security levels with serious mental illness have access to an appropriate level of care.

“(d) TRAINING FOR BUREAU OF PRISONS STAFF.—

“(1) TRAINING.—All employees of the Bureau of Prisons or any facility that contracts with the Bureau of Prisons to provide housing for inmates in Federal custody who interact with inmates on a regular basis shall be required to complete training in—

“(A) the recognition of symptoms of mental illness;

“(B) the potential risks and side effects of psychiatric medications;

“(C) de-escalation techniques for safely managing individuals with mental illness;

“(D) consequences of untreated mental illness;

“(E) the long- and short-term psychological effects of solitary confinement; and

“(F) de-escalation and communication techniques to divert inmates from situations that may lead to the inmate being placed in solitary confinement.

“(2) NOTIFICATION TO MEDICAL STAFF.—An employee of the Bureau of Prisons shall immediately notify a member of the medical or mental health staff if the employee—

“(A) observes an inmate with signs of mental illness, unless such employee has knowledge that the inmate's signs of mental illness have previously been reported; or

“(B) observes an inmate with signs of mental health crisis.

“(e) CIVIL RIGHTS OMBUDSMAN.—

“(1) IN GENERAL.—Within the Bureau of Prisons, there shall be a position of the Civil Rights Ombudsman (referred to in this subsection as the ‘Ombudsman’) and an Office of the Civil Rights Ombudsman.

“(2) APPOINTMENT.—The Ombudsman shall be appointed by the Attorney General and shall report directly to the Director. The Ombudsman shall have a background in corrections and civil rights and shall have expertise on the effects of prolonged solitary confinement.

“(3) REPORTING.—The Director shall ensure that each Bureau of Prisons facility or any facility that contracts with the Bureau of Prisons provides multiple internal ways for inmates and others to promptly report civil rights violations and violations of this section to the Ombudsman, including—

“(A) not less than 2 procedures for inmates and others to report civil rights violations and violations of this section to an entity or office that is not part of the facility, and that is able to receive and immediately forward inmate reports to the Ombudsman, allowing the inmate to remain anonymous upon request; and

“(B) not less than 2 procedures for inmates and others to report civil rights abuses and violations of this section to the Ombudsman in a confidential manner, allowing the inmate to remain anonymous upon request.

“(4) NOTICE.—The Director shall ensure that each Bureau of Prisons facility or any facility that contracts with the Bureau of Prisons provides inmates with—

“(A) notice of how to report civil rights violations and violations of this section in accordance with paragraph (3), including—

“(i) notice prominently posted in the living and common areas of each such facility;

“(ii) individual notice to inmates at initial intake into the Bureau of Prisons, when transferred to a new facility, and when placed in solitary confinement;

“(iii) notice to inmates with disabilities in accessible formats; and

“(iv) written or verbal notice in a language the inmate understands; and

“(B) notice of permissible practices related to solitary confinement in the Bureau of Prisons, including the requirements of this section.

“(5) FUNCTIONS.—The Ombudsman shall—

“(A) review all complaints the Ombudsman receives;

“(B) investigate all complaints that allege a civil rights violation or violation of this section;

“(C) refer all possible violations of law to the Department of Justice;

“(D) refer to the Director allegations of misconduct involving Bureau of Prisons staff;

“(E) identify areas in which the Bureau of Prisons can improve the Bureau’s policies and practices to ensure that the civil rights of inmates are protected;

“(F) identify areas in which the Bureau of Prisons can improve the solitary confinement policies and practices of the Bureau and reduce the use of solitary confinement; and

“(G) propose changes to the policies and practices of the Bureau of Prisons to mitigate problems and address issues the Ombudsman identifies.

“(6) ACCESS.—The Ombudsman shall have unrestricted access to Bureau of Prisons facilities and any facility that contracts with the Bureau of Prisons and shall be able to speak privately with inmates and staff.

“(7) ANNUAL REPORTS.—

“(A) OBJECTIVES.—Not later than December 31 of each year, the Ombudsman shall

submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the activities of the Office of the Ombudsman for the fiscal year ending in such calendar year.

“(B) CONTENTS.—Each report submitted under subparagraph (A)—

“(i) contain full and substantive analysis, in addition to statistical information;

“(ii) identify the recommendations the Office of the Ombudsman has made on addressing reported civil rights violations and violations of this section and reducing the use and improving the practices of solitary confinement in the Bureau of Prisons;

“(iii) contain a summary of problems relating to reported civil rights violations and violations of this section, including a detailed description of the nature of such problems and a breakdown of where the problems occur among Bureau of Prisons facilities and facilities that contract with the Bureau of Prisons;

“(iv) contain an inventory of the items described in clauses (ii) and (iii) for which action has been taken and the result of such action;

“(v) contain an inventory of the items described in clauses (ii) and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

“(vi) contain an inventory of the items described in clauses (ii) and (iii) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and shall identify any official of the Bureau of Prisons who is responsible for such inaction;

“(vii) contain recommendations for such legislative or administrative action as may be appropriate to resolve problems identified in clause (ii); and

“(viii) include such other information as the Ombudsman determines necessary.

“(C) SUBMISSION OF REPORTS.—Each report required under this paragraph shall be provided directly to the Committees described in subparagraph (A) without any prior review, comment, or amendment from the Director or any other officer or employee of the Department of Justice or Bureau of Prisons.

“(8) REGULAR MEETINGS WITH THE DIRECTOR OF THE BUREAU OF PRISONS.—The Ombudsman shall meet regularly with the Director to identify problems with reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons, including overuse of solitary confinement, and to present recommendations for such administrative action as may be appropriate to resolve problems relating to reported civil rights violations and the solitary confinement policies and practices of the Bureau of Prisons.

“(9) RESPONSIBILITIES OF BUREAU OF PRISONS.—The Director shall establish procedures requiring that, not later than 3 months after the date on which a recommendation is submitted to the Director by the Ombudsman, the Director or other appropriate employee of the Bureau of Prisons issue a formal response to the recommendation.

“(10) NON-APPLICATION OF THE PRISON LITIGATION REFORM ACT.—Inmate reports sent to the Ombudsman shall not be considered an administrative remedy under section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 303 of title 18, United States Code, is amended by inserting after the item relating to section 4049 the following:

“4050. Solitary confinement.”.

### SEC. 3. REASSESSMENT OF INMATE MENTAL HEALTH.

Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall—

(1) assemble a team of licensed mental health professionals, which may include licensed mental health professionals who are not employed by the Bureau of Prisons, to conduct a comprehensive mental health reevaluation for each inmate held in solitary confinement for more than 30 days as of the date of enactment of this Act, including a confidential, face-to-face, out-of-cell interview by a licensed mental health professional; and

(2) adjust the placement of each inmate in accordance with section 4050(c) of title 18, United States Code, as added by section 2.

### SEC. 4. DIRECTOR OF BUREAU OF PRISONS.

Section 4041 of title 18, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before the “The Bureau of Prisons shall be”; and

(2) by adding at the end the following:

“(b) OMBUDSMAN.—The Director of the Bureau of Prisons shall—

“(1) meet regularly with the Ombudsman appointed under section 4050(e) to identify how the Bureau of Prisons can address reported civil rights violations and reduce the use of solitary confinement and correct problems in the solitary confinement policies and practices of the Bureau;

“(2) conduct a prompt and thorough investigation of each referral from the Ombudsman under section 4050(e)(5)(D), after each such investigation take appropriate disciplinary action against any Bureau of Prisons employee who is found to have engaged in misconduct or to have violated Bureau of Prisons policy, and notify the Ombudsman of the outcome of each such investigation; and

“(3) establish procedures requiring a formal response by the Bureau of Prisons to any recommendation of the Ombudsman in the annual report submitted under section 4050(e)(6) not later than 90 days after the date on which the report is submitted to Congress.”.

### SEC. 5. DATA TRACKING OF USE OF SOLITARY CONFINEMENT.

Section 4047 of title 18, United States Code, is amended by adding at the end the following:

“(d) PRISON SOLITARY CONFINEMENT ASSESSMENTS.—

“(1) IN GENERAL.—Not later than March 31 of each year, the Director of the Bureau of Prisons shall prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual assessment of the use of solitary confinement by the Bureau of Prisons, as defined in section 4050(a).

“(2) CONTENTS.—Each assessment submitted under paragraph (1) shall include—

“(A) the policies and regulations of the Bureau of Prisons, including any changes in policies and regulations, for determining which inmates are placed in each form of solitary confinement, or housing in which an inmate is separated from the general population in use during the reporting period, and a detailed description of each form of solitary confinement in use, including all maximum and high security facilities, all special housing units, all special management units, all Administrative Maximum facilities, including the United States Penitentiary Administrative Maximum in Florence, Colorado, and all Communication Management Units;

“(B) the number of inmates in the custody of the Bureau of Prisons who are housed in each type of solitary confinement for any period and the percentage of all inmates who

have spent at least some time in each form of solitary confinement during the reporting period;

“(C) the demographics of all inmates housed in each type of solitary confinement described in subparagraph (A), including race, ethnicity, religion, age, and gender;

“(D) the policies and regulations of the Bureau of Prisons, including any updates in policies and regulations, for subsequent reviews or appeals of the placement of an inmate into or out of solitary confinement;

“(E) the number of reviews of and challenges to each type of solitary confinement placement described in subparagraph (A) conducted during the reporting period and the number of reviews or appeals that directly resulted in a change of placement;

“(F) the general conditions and restrictions for each type of solitary confinement described in subparagraph (A), including the number of hours spent in ‘isolation,’ or restraint, for each, and the percentage of time these conditions involve single-inmate housing;

“(G) the mean and median length of stay in each form of solitary confinement described in subparagraph (A), based on all individuals released from solitary confinement during the reporting period, including maximum and high security facilities, special housing units, special management units, the Administrative Maximum facilities, including the United States Penitentiary Administrative Maximum in Florence, Colorado, Communication Management Units, and any maximum length of stay during the reporting period;

“(H) the number of inmates who, after a stay of 5 or more days in solitary confinement, were released directly from solitary confinement to the public during the reporting period;

“(I) the cost for each form of solitary confinement described in subparagraph (A) in use during the reporting period, including as compared with the average daily cost of housing an inmate in the general population;

“(J) statistics for inmate assaults on correctional officers and staff of the Bureau of Prisons, inmate-on-inmate assaults, and staff-on-inmate use of force incidents in the various forms of solitary confinement described in subparagraph (A) and statistics for such assaults in the general population;

“(K) the policies for mental health screening, mental health treatment, and subsequent mental health reviews for all inmates, including any update to the policies, and any additional screening, treatment, and monitoring for inmates in solitary confinement;

“(L) a statement of the types of mental health staff that conducted mental health assessments for the Bureau of Prisons during the reporting period, a description of the different positions in the mental health staff of the Bureau of Prisons, and the number of part- and full-time psychologists and psychiatrists employed by the Bureau of Prisons during the reporting period;

“(M) data on mental health and medical indicators for all inmates in solitary confinement, including—

“(i) the number of inmates requiring medication for mental health conditions;

“(ii) the number diagnosed with an intellectual disability;

“(iii) the number diagnosed with serious mental illness;

“(iv) the number of suicides;

“(v) the number of attempted suicides and number of inmates placed on suicide watch;

“(vi) the number of instances of self-harm committed by inmates;

“(vii) the number of inmates with physical disabilities, including blind, deaf, and mobility-impaired inmates; and

“(viii) the number of instances of forced feeding of inmates; and

“(N) any other relevant data.”.

#### **SEC. 6. NATIONAL RESOURCE CENTER ON SOLITARY CONFINEMENT REDUCTION AND REFORM.**

(a) **DEFINITION OF ELIGIBLE ENTITY.**—In this section, the term “eligible entity” means an entity, or a partnership of entities, that has demonstrated expertise in the fields of—

(1) solitary confinement, including the reduction and reform of its use; and

(2) providing technical assistance to corrections agencies on how to reduce and reform solitary confinement.

(b) **REQUIREMENTS.**—Not later than 180 days after the date of enactment of this Act, the Bureau of Justice Assistance shall enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of establishing a coordinating center for State, local, and Federal corrections systems, which shall conduct activities such as—

(1) provide on-site technical assistance and consultation to Federal, State, and local corrections agencies to safely reduce the use of solitary confinement;

(2) act as a clearinghouse for research, data, and information on the safe reduction of solitary confinement in prisons and other custodial settings, including facilitating the exchange of information between Federal, State, and local practitioners, national experts, and researchers;

(3) create a minimum of 10 learning sites in Federal, State, and local jurisdictions that have already reduced their use of solitary confinement and work with other Federal, State, and local agencies to participate in training, consultation, and other forms of assistance and partnership with these learning sites;

(4) conduct evaluations of jurisdictions that have decreased their use of solitary confinement to determine best practices;

(5) conduct research on the effectiveness of alternatives to solitary confinement, such as step-down or transitional programs, strategies to reintegrate inmates into general population, the role of officers and staff culture in reform efforts, and other research relevant to the safe reduction of solitary confinement;

(6) develop and disseminate a toolkit for systems to reduce the excessive use of solitary confinement;

(7) develop and disseminate an online self-assessment tool for State and local jurisdictions to assess their own use of solitary confinement and identify strategies to reduce its use; and

(8) conduct public webinars to highlight new and promising practices.

(c) **ADMINISTRATION.**—The program under this section shall be administered by the Bureau of Justice Assistance.

(d) **REPORT.**—On an annual basis, the coordinating center shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on its activities and any changes in solitary confinement policy at the Federal, State, or local level that have resulted from its activities.

(e) **DURATION.**—The Bureau of Justice Assistance shall enter into a cooperative agreement under this section for 5 years.

#### **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated—

(1) to the Director of the Bureau of Prisons such sums as may be necessary to carry out sections 2, 3, 4, and 5, and the amendments made by such sections; and

(2) to the Bureau of Justice Assistance such sums as may be necessary to carry out section 6.

#### **SEC. 8. NOTICE AND COMMENT REQUIREMENT.**

The Director of the Bureau of Prisons shall prescribe rules, in accordance with section 553 of title 5, United States Code, to carry out this Act and the amendments made by this Act.

#### **SEC. 9. EFFECTIVE DATE.**

Except as otherwise provided, this Act and the amendments made by this Act shall take effect 18 months after the date of enactment of this Act.

S. 342

Mr. COONS. Mr. President, I rise to speak about an urgent and long overdue reform to address how the United States houses and treats prison inmates in our Federal criminal justice system.

We are losing millions of Americans—disproportionately African-American men—to a criminal justice system that robs them of any meaningful opportunity to find gainful employment or participate in our democracy after they served their time.

Fortunately, Americans across the country have come to recognize that our so-called criminal justice system is broken. Here in the Senate, I am encouraged that many of my colleagues, including Senator DURBIN, Senator BOOKER, and many others have joined together in support of a broad bipartisan bill entitled the Sentencing Reform and Corrections Act. Our criminal justice system should be about justice and rehabilitation, not just punishment. Passing this Sentencing Reform and Corrections Act would be a significant step in that direction. Today I have come to talk about a specific and targeted bill that Senators DURBIN, BOOKER, LEAHY, FRANKEN, and I are introducing.

Far too often Federal inmates find themselves placed in 6-by-8-foot cells for 23 hours a day in solitary confinement, colloquially called restrictive housing units. These units are intended to segregate dangerous prisoners from the rest of the prison population or to punish individuals for crimes or misdeeds committed behind bars, but when one looks at the actual evidence surrounding the use of solitary confinement, they find it doesn't actually stop or reduce crime or bad behavior and it doesn't keep us safer. What it does cause is lasting, often irreparable, harm to those inmates subjected to it, and oftentimes it makes it harder for them to later successfully reenter society after they served their time.

Senator DURBIN, who was to join me and Senator BOOKER on the floor this afternoon but for a change of schedule, first held hearings on this topic when he was Chair of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights.

He held a hearing on solitary confinement—the first-ever congressional hearing on the topic—back in 2012. In fact, he held two hearings. He left a note for me that says at one of his first hearings on solitary confinement, one of the witnesses was a man named Anthony Graves, whose testimony forever

affected the Senator from Illinois. Anthony spent 18 years in prison, including 16 years in solitary confinement. In 2010, he became the 12th death row inmate to be exonerated in the State of Texas. Think about that. Mr. Graves spent 16 years in solitary confinement for a crime he was later proved never to have committed.

At that hearing, Mr. Graves testified about his experience, and here is what he said:

I lived under some of the worst conditions imaginable, with the filth, the food, the total disrespect of dignity. I lived under the rules of a system that literally drives men out of their minds.

He later said:

Solitary confinement does one thing—it breaks a man's will and he ends up deteriorating. He is never the same person again.

In those hearings, Senator DURBIN asked: How big is the impact of solitary confinement in our prison system? It is difficult to determine exactly how many inmates are housed in these so-called restrictive settings. One recent study estimated as many as 80,000 State and Federal inmates in total. In my home State of Delaware, 453 inmates, about 8 percent of our State prison population, were held in restrictive housing units in 2015. Nearly one-third of them were receiving mental health treatment.

To fully understand the extent to which our prisons utilize solitary confinement, we need to look at not just the total number of inmates being placed in restrictive housing but the duration of time they spend there. One recent report by the nonpartisan Vera Institute of Justice found that inmates, even those not overly disruptive or violent, stay for long periods of time—months or years.

In Washington State, in 2011, the average length of stay in solitary confinement was 11 months. In the State of Texas, in 2013, the average stay was 4 years.

The overwhelming majority of individuals sentenced to prison will return to our communities. Rehabilitating those who have paid their debt to society is a key goal of our criminal justice system, and that is why we shouldn't subject inmates to practices like solitary confinement which lessens their ability to successfully reenter society. Mounting evidence shows that solitary confinement physically and mentally harms and destabilizes inmates in ways that then threatens the very communities—our communities—to which they will later return.

Over a year ago, President Obama asked Attorney General Loretta Lynch to review the overuse of solitary confinement in our Federal prisons. Earlier this year, the Department of Justice released a report recommending reforms, which the Bureau of Prisons is now implementing. Today Senator DURBIN, Senator BOOKER, Senator LEAHY, Senator FRANKEN, and I are introducing a bill, the Solitary Confinement and Reform Act, to codify into

law many of the recommendations the Bureau of Prisons is working to put in place and to lay the groundwork for broader reform.

This bill is grounded in two key observations: First, that our prison system has grown in population beyond any reasonable scope. Second, restrictive housing or solitary confinement is employed far too frequently for minor behavioral infractions, not as a sanction of last resort.

This act will establish limits on the use of solitary and require that it be limited to the briefest amount of time and under the least restrictive conditions that make sense in the setting.

The bill requires the Bureau of Prisons to limit the use of solitary confinement for inmates nearing their release date and to establish a transitional process for inmates who must remain housed in solitary confinement up to their release.

Most importantly, the bill mandates that the Federal Bureau of Prisons may not place an inmate in solitary confinement if the inmate is a minor, has a serious mental illness, has intellectual or physical disabilities, is pregnant or in the first eight weeks after delivery, except—in all of those cases, except—under limited and temporary circumstances.

Finally, the bill requires an annual report to Congress from the Bureau of Prisons about their assessment of their progress in improving solitary confinement practices and regulations.

The time to reform our criminal justice system is now, and this bill would mark an important step forward.

Some might ask why this is a passion of mine. When I was a young man, my father volunteered through our church and prison ministry, and I was a young man exposed to the impact that prison conditions can have on those who are serving time. But, more importantly, few individuals have captured the urgency of this issue as powerfully as a fellow Delawarean and friend, Bryan Stevenson. Bryan Stevenson is the author of a book entitled “Just Mercy” that chronicles his efforts founding and leading the Equal Justice Initiative in Montgomery, AL. Since long before sensible reforms to our criminal justice system seemed possible, Bryan has been fighting to improve this badly broken system. In his book he tells the powerful and painful story of a 13-year-old child, Ian, incarcerated as an adult in an adult prison and who spent 18 years in solitary. As Bryan Stevenson recounts, “Ian's mental health unraveled, and he attempted suicide several times. Each time he hurt himself, his time in solitary was extended.”

I remember being brought to tears by a number of passages in Bryan's book, and I profoundly agree with his concluding assessment that “the true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.” When it comes to fairly distributing justice in America, Congress

has long failed this central test of character. With this bill, this Senate has a rare opportunity to right some of the wrongs that have too long plagued every step of our criminal justice system.

We also need to step up and take up and move forward the Sentencing Reform and Corrections Act as well, an important and broad bill which would reduce mandatory minimums and give judges more discretion in sentencing. In this effort, we have a broad coalition of Democrats and Republicans and a diverse group of faith and reform and advocacy groups, and in President Obama we have a leader who has acted to end solitary confinement for juveniles in Federal prison and who is ready and willing to sign a broader package of criminal justice reforms into law. Now it is up to Congress.

I would like to transition, if I might, to a man who, from his very first days here in the Senate of the United States, has been a powerful, passionate, and engaged advocate for criminal justice reform broadly and for a change to our solitary confinement practices in particular. Far too many Americans have grown up in a society where they are defined by the worst thing they have ever done. When an inmate leaves prison with his sentence complete and time served, with his mind and spirit broken because of solitary, we are all less safe and our world is less just.

I wish to thank Senator DURBIN for his efforts on this bill, but in particular I want to thank Senator BOOKER for his passion, for his engagement, for his effectiveness. He is my colleague who has been most engaged in the changes of solitary confinement from his first days here, and he is the deserving partner of Senator DURBIN's long record going back to the hearings he first held in 2012.

With that, I yield the floor to my colleague from the great State of New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I wish to thank my Senate colleague from Delaware, Senator COONS, for his extraordinarily eloquent and, frankly, urgently passionate voice on issues of solitary confinement, as well as for all the work he is doing on criminal justice reform as a whole.

This bill that he and Senator DURBIN have worked so hard on and that I am so proud to cosponsor, along with Senators LEAHY and FRANKEN, is a critically important bill when it comes to the overall reforming of our criminal justice system. Please understand, as the Senator from Delaware has said, this is currently a practice in our Federal system as well as in State prisons. It is an archaic, damaging, ineffective, and inefficient practice that actually works against the public interests—not just their financial interests but even the safety and well-being of our communities.

Now, solitary confinement—many people don't know exactly what we are talking about. As Senator COONS said, it is people being kept in a prison cell for 22 to 24 hours a day with little to no outside human interactions. Senator COONS said it is a fact that on any given day, we now have 80,000 to 100,000 incarcerated people in State and Federal prisons who are being held in rooms often no bigger than a parking spot.

We know that inmates placed in solitary confinement can be put there for the most minor of infractions—for literally just filing papers with the court to try to assert their constitutional rights. We also know that solitary confinement is extraordinarily expensive—more expensive than nonsolitary confinement. In fact, on average, it costs about \$75,000 each year for an individual to be housed in solitary confinement. Yet it is increasingly clear that this overuse, especially for low-level offenders—not people who have done violent crime, not people who have assaulted a correctional officer, but people who are there for low-level, non-violent crimes—we know that this is providing little benefit to no benefit for the public good, but what is extraordinary is it is creating conditions which could harm the public.

Solitary confinement has irreversible effects on the human brain, which may lead inmates to harm themselves or others. It does psychological damage. It can do serious psychological damage, making a person more dangerous.

So here we have a correctional system that doesn't correct but actually is doing more harm and putting people in a position where they can be more dangerous to themselves, to their fellow inmates, and to society as a whole. It makes no sense.

International bodies understand this. Other nations have referred to it as torture. The United Nations considers long-term isolation to be cruel and degrading treatment. Here we are in the United States of America, which I firmly believe is a symbol to the Nation—to the globe—of justice, righteousness, and decency, yet we are engaging in tactics that many of our peer nations consider cruel and degrading.

We know the data. It is clear that isolation actually worsens mental illness and can actually create issues in those who were previously seen as psychologically healthy. Researchers estimate that at least 30 percent of inmates held in solitary confinement already have a mental disorder. So this is how we are treating mental illness. We incarcerate not just the poor, but we incarcerate the addicted and the mentally ill. In prison we should seek to make those populations better, healthier, to deal with their disease or their mental disorder, yet we are using practices that aggravate these conditions.

We know data has shown that holding inmates in isolation not only makes mental illness worse for the in-

dividual, but it has truly negative impacts on their lives, the lives of their families, and their communities when they are released.

We know that while confinement for short periods of time may be necessary for safety—and please understand that the security of our correctional officers is critical in prison environments, but to allow these practices to go on actually doesn't make our correctional officers safer; it makes their job more dangerous and puts them at greater risk. This is why correctional officers across the country are speaking out. The very people who have to conduct the work in our prisons are speaking out against solitary confinement. One Texas correctional officer said: "When you cut out social interaction, you are dealing with a person who has nothing to lose, and that is extremely dangerous."

Kevin Kempf, the director of the Idaho Department of Corrections, remarked that reforming the practice of solitary confinement "is not a soft-on-inmates approach; this is a public safety approach." He refers to a time in 2014 when 44 inmates were released directly from isolation in a maximum security prison and out to the public. That means that they were released, as in the case that Senator COONS explained, from solitary confinement—from these conditions of no social interaction, from an environment that researchers deem aggravating to mental illness—and they go right from that solitary confinement environment out into the public. He remarked about this case:

Those 44 inmates, we took belly chains and leg irons off of them and walked into your community. That is irresponsible of me as a director. Frankly our taxpayers should expect more of me, should expect more of our staff, to do things differently.

It should come as no surprise to any of us that the use of solitary confinement has received criticism both from law enforcement folks—folks who have sworn oaths to protect the public—as well as the civil rights community, civil libertarians, the medical community, and the legal community.

Just last year, in a Supreme Court case, *Davis v. Ayala*, Justice Kennedy denounced the widespread use of solitary confinement in prisons. Justice Kennedy cited a litany of the possible side effects from prolonged isolation, including anxiety, panic, withdrawal, hallucinations, and self-mutilation. After examining the evidence, Justice Kennedy concluded that ample "research still confirms what the Court suggested a century ago; years on end of near-total isolation exacts a terrible price . . . [t]he penal system has a solitary confinement regime that will bring you to the edge of madness, perhaps into madness itself."

This is not a criminal justice system that reflects our highest values. It doesn't stand for moral rights when we are exacting such cruel punishment that doesn't just do punitive damage but also puts an inmate in a situation

where they can cause more harm and damage to themselves and others.

So the bill that Senator COONS talks about—the bill that we are introducing with Senator DURBIN—would substantially limit the ability of the Bureau of Prisons to use solitary confinement in Federal facilities. The bill would mandate that solitary confinement be limited to the briefest terms under the least restrictive conditions practicable, and it would preclude the BOP from placing vulnerable populations in solitary confinement, like minors—like children—as well as people with serious mental illnesses, physical disabilities, and pregnant women.

Critically, this legislation wants to promote more data collection. The bill would require the BOP to collect data on the use of solitary confinement, and it would create a national resource center on solitary confinement reform under the Bureau of Justice Assistance.

This is an issue—the issue of solitary confinement—that has been a priority for me here in the Senate from my beginning months. In fact, over a year ago, in August of 2015, I worked with members of the Senate Committee on Homeland Security and Governmental Affairs on an oversight hearing to explore current practices at the Federal Bureau of Prisons. I requested this hearing because of the urgent need to shine a spotlight on our broken criminal justice system, including what occurs within the walls of Federal prisons that the general public does not see that is being done in the name of the public. The hearing was a good first start to improve transparency on solitary confinement. At the hearing, we heard testimony from a wide range of stakeholders, including the head of the Bureau of Prisons and advocates. Udi Ofer, from the New Jersey ACLU, testified that "our nation has seen a dramatic increase in the use or reliance on solitary confinement over the last couple of decades."

I also introduced the MERCY Act, a bill that would prohibit the use of solitary confinement of youth adjudicated delinquent in the Federal system unless it is a temporary response to a serious risk of harm to the juvenile or others.

Our justice system must ensure justice in the deepest, richest meaning of that word. That is what we swear an oath to, that we will be a nation of liberty and justice for all—not just some but for all. It means that we need to begin to expose the practices that are happening in our prisons and understand the consequences to all of this—increased financial expenditures, increased risk to our security and our safety, increased risks of recidivism.

Our justice system should not be engaged in practices that people across the spectrum in America—political, medical leaders, and others—really do view as harmful, inefficient, and ineffective.

I am proud to cosponsor the Solitary Confinement Reform Act. I urge my

colleagues to support this bill and advance it in the Senate. I thank Senators DURBIN and COONS for their leadership.

This is a time where we need national urgency on this issue. It is unfortunate that what happens in our prisons is seen as something that we as a public wash our hands of—throw them away, throw away the key. That kind of logic doesn't solve problems, it perpetuates them. It doesn't make us safe, it makes us less safe. It doesn't save us money, it costs us more. These kinds of practices undermine the foundation of common sense as well as moral rectitude. We stand for more than this as a country. We should set an example that ultimately as a nation we are not about retribution, we are not about disproportionate punishment, we are about restorative justice. Solitary confinement as a practice being done now is an assault on justice. It is an offense to our moral values as a nation. It calls for reform.

I am proud to stand with my colleagues today to introduce legislation that will begin to take us down that important road to justice for all.

By Mr. DAINES:

S. 3453. A bill to amend provisions in the securities laws relating to regulation crowdfunding to raise the dollar amount limit and to clarify certain requirements and exclusions for funding portals established by such Act; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DAINES. Mr. President, entrepreneurship is a bedrock of Montana, a relationship well understood by the Small Business Administration, SBA. In fact, the SBA recognizes over 115,000 small businesses in the state, making up 97.4 percent of all businesses. These organizations employ nearly 236,000 Montanans, or 67.4 percent of the state workforce.

While there are many harmful regulations coming out of Washington these days, the Securities and Exchange Commission, SEC, issued a rule last October to give entrepreneurs an important tool in their belt to get their dreams up and running. This rule was the crowdfunding rule, which allows entrepreneurs to raise up to \$1 million annually without having to incur the costs of expensive SEC registration.

With this rule, entrepreneurs can now raise capital to grow their business and create jobs without incurring expenses ordinarily reserved for established companies able to become publicly traded. In fact, Treasure State Internet & Telegraph is one startup in my home town of Bozeman, Montana that has been able to use this important new rule.

I am pleased today to support Montana's entrepreneurs by introducing the Crowdfunding Enhancement Act. This bill will make it easier for startups using crowdfunding to grow by creating a "longer runway" for costly

filings. In this way, startups won't be penalized with costly paperwork by growing too fast growth. This bill also makes it easier to attract more capital once it reaches the current crowdfunding limits. With passage, this bill is a win for Montana and all our entrepreneurs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3453

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Crowdfunding Enhancement Act".

#### SEC. 2. CROWDFUNDING VEHICLES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 4(A)(f)(3), by inserting "by any of paragraphs (1) through (14) of" before "section 3(c)"; and

(2) in section 4(a)(6)(B), by inserting after "any investor" the following: "other than a crowdfunding vehicle (as defined in section 2(a) of the Investment Company Act of 1940).";

(b) AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a), by adding at the end the following:

"(55) The term 'crowdfunding vehicle' means a company—

"(A) whose purpose (as set forth in its organizational documents) is limited to acquiring, holding, and disposing securities issued by a single company in one or more transactions and made pursuant to section 4(a)(6) of the Securities Act of 1933;

"(B) which issues only one class of securities;

"(C) which receives no compensation in connection with such acquisition, holding, or disposition of securities;

"(D) no associated person of which receives any compensation in connection with such acquisition, holding or disposition of securities unless such person is acting as or on behalf of an investment adviser registered under the Investment Advisers Act of 1940 or registered as an investment adviser in the State in which the investment adviser maintains its principal office and place of business;

"(E) the securities of which have been issued in a transaction made pursuant to section 4(a)(6) of the Securities Act of 1933, where both the crowdfunding vehicle and the company whose securities it holds are co-issuers;

"(F) which is current in its ongoing disclosure obligations under Rule 202 of Regulation Crowdfunding (17 CFR 227.202);

"(G) the company whose securities it holds is current in its ongoing disclosure obligations under Rule 202 of Regulation Crowdfunding (17 CFR 227.202); and

"(H) is advised by an investment adviser registered under the Investment Advisers Act of 1940 or registered as an investment adviser in the State in which the investment adviser maintains its principal office and place of business."; and

(2) in section 3(c), by adding at the end the following:

"(15) Any crowdfunding vehicle.".

#### SEC. 3. CROWDFUNDING EXEMPTION FROM REGISTRATION.

Section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(6)) is amended—

(1) by striking "The Commission" and inserting the following:

"(A) IN GENERAL.—The Commission";

(2) by striking "section 4(6)" and inserting "section 4(a)(6)"; and

(3) by adding at the end the following:

"(B) TREATMENT OF SECURITIES ISSUED BY CERTAIN ISSUERS.—An exemption under subparagraph (A) shall be unconditional for securities offered by an issuer that had a public float of less than \$75,000,000 as of the last business day of the issuer's most recently completed semiannual period, computed by multiplying the aggregate worldwide number of shares of the issuer's common equity securities held by non-affiliates by the price at which such securities were last sold (or the average bid and asked prices of such securities) in the principal market for such securities or, in the event the result of such public float calculation is zero, had annual revenues of less than \$50,000,000 as of the issuer's most recently completed fiscal year.".

By Mr. HEINRICH (for himself and Ms. COLLINS):

S. 3458. A bill to establish programs to improve family economic security by breaking the cycle of multigenerational poverty, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HEINRICH. Mr. President, I rise to introduce the Two-Generation Economic Empowerment Act, alongside my colleague and friend from Maine, Senator SUSAN COLLINS. We are going to hear from her in a few minutes. I want to say a few words about an issue that is all too familiar to many of our States from coast to coast—those represented by Democrats, those represented by Republicans.

Earlier this month, we saw positive economic data from the Census Bureau that showed that over the last year, American middle-class and low-income families saw the largest growth in their income in generations.

I thank my colleague from Maine for her incredible work on the legislation we are going to be introducing today. There are simply far too many families in my home State of New Mexico and across this Nation who are still struggling to make ends meet, even to put food on the table and certainly to escape multigenerational poverty.

Last year, nearly one in five New Mexicans lived below the federally defined poverty rate. Think about that, one in five. These are mothers, fathers, and grandparents trying to support themselves and their families. They are young adults trying to get ahead and lay the groundwork for the future they have envisioned for themselves, but often the dreams we have of going to school and getting a job are cut short by the reality that these once rites of passage on the way to the American dream are further and further out of reach.

I believe all of us have a responsibility not to accept this status quo. Without critical programs such as Medicaid or the National School Lunch



Program, even more families in New Mexico would be struggling to overcome poverty in the wake of the great recession. It is time to recognize that the Federal Government's current approach to poverty is far too disconnected. It is too fragmented and too disjointed to truly address the needs of these working families, and too often it simply ignores the very nature of the family itself.

I will tell you what I mean by that. I grew up on a small farm and ranch operation. In addition to attending our cattle, both of my parents worked full time, often more than full time. My dad was a utility lineman. My mother worked in a factory inspecting wheels on an assembly line. Like a lot of Americans, I learned the dignity of hard work long before I ever held my first job. I learned it at home.

As a father of two children, I understand the challenges of parenthood today, especially when both parents work. In many cases in New Mexico, that means both parents may work more than one job. Much of our time is centered on our jobs and our children. For many of us, this leaves very little time for ourselves or our own educational pursuits.

If parents are able to find time to attend school and better themselves, they have to fit their class schedule around those times. They have to fit their class schedule around their child's school and their childcare hours. All of this limits parents' access to a full and rigorous class schedule and it extends the number of semesters a parent is in school and it increases their student loan debt. The way the Federal Government tries to help increased opportunities for working families isn't working well enough to address these daily challenges these families face.

When multiple programs exist to help low-income parents and children, they have individual streaming causing silos and fragmentation. Low-income families trying to access these benefits often have trouble navigating the multiple eligibility requirements and the multiple service providers. Families get discouraged and lose out on benefits because each one has its own set of requirements.

Even the local service providers who are trying to help families get ahead are finding this disjointed Federal landscape difficult to navigate. Addressing the needs of children and parents separately and without a comprehensive strategy is leaving too many children and parents behind and diminishing the whole family's chances of reaching economic security.

That is why I have teamed up with my Republican colleague from Maine, Senator SUSAN COLLINS, to introduce the bipartisan Two-Generation Economic Empowerment Act. Our legislation will increase opportunities for working families through programs targeting parents and children together with support aimed at increas-

ing economic security, educational success, social, capital, and health and well-being.

By aligning and linking existing systems and funding streams, our legislation will lead to improved outcomes for parents and children while improving the effectiveness of service delivery. Our legislation will make Federal agencies coordinate more effectively through a new Interagency Council on Multigenerational Poverty. The council will align and link departments that are already working to address poverty in order to reduce the redundancy and the redtape we see and to make sure programs across different agencies are actually working in a complementary fashion.

We are also looking for new ways to incentivize investments in comprehensive two-generation programs. Our bill will encourage Federal, State, tribal, and local governments to test innovative ways to use Federal resources by allowing increased flexibility and blending discretionary grant funds across multiple Federal programs in exchange for a greater accountability. We will create a social impact bond pilot project to encourage private foundations and investors to fund new two-generation programs.

Over the last year, I visited programs in my home State of New Mexico that are already using a two-generation approach. In Albuquerque, I met with participants of the CNM Connect Services Program at Central New Mexico Community College. This program assists students—many of whom are parents or children of parents attending CNM—with academic support, financial coaching, and career services, and it connects families with behavioral health services and childcare. By streamlining and coordinating all of these support services for students and their children, families are able to learn and grow together.

At CNM, I met Maricela Cormona, who was a full-time mother who couldn't focus on her own education until her two children started an Even Start and Head Start early childhood education program. Thanks to a two-generation program that connects parents to childcare and education, she earned her GED, and she started taking courses at CNM to become a social worker. She was working with other parents to help them raise healthy families and receive an education.

In Sante Fe, I toured the United Way Early Learning Center. This hub of early learning and family support can serve as a model for creating a path of opportunity for all hard-working Americans, using a comprehensive two-generation approach. At a state-of-the-art facility, the center offers year-round, full-day services for children and families, including hot meals, a health center, teaching and learning technology, employment and social service assistance for parents, and a home visitation program.

One mother I met there, Brenda Olivas, was connected with United Way

when she was 4 months pregnant. The home visitation supported her as she and her husband raised their young son Angel. When I talked to her, Brenda had just started working at the early learning center, helping to care for the children. Brenda said that she hoped to enroll in classes at Santa Fe Community College and put herself on a path toward a successful career.

I also hosted an outreach session for families, education administrators, and representatives of nonprofit service providers at Dona Ana Head Start. I heard from working parents and service providers about the challenges and obstacles that stand in the way of their educational and career opportunities.

Just last month, I visited La Clinica de Familia's Early Head Start Child Care Partnership Center. The center cares for children while their parents work or further their education at New Mexico State University and Dona Ana Community College. I had a chance to read "Brown Bear, Brown Bear," which is not only one of the children's favorite books, but it is also one of my favorite books. My kids loved that book when they were little.

I think it is time to build on the progress we have seen demonstrated through the data at programs like these. It is time to bring in more stakeholders and start actively changing the trajectory of these families and communities. This is the type of challenge that will have to be fought on the frontlines through public-private partnerships on college campuses and in community centers, on ball fields and in health clinics, and in our towns both large and small. No matter what your ZIP Code is, you should have an opportunity to use already existing Federal resources or attract private investment to implement the two-generation approach in your community because, as the data suggests, it works. That is exactly what the Two-Generation Economic Empowerment Act aims to achieve.

I wish once again to thank my colleague Senator COLLINS for her hard work to help create this legislation, and I also thank the great minds at places like Ascend at the Aspen Institute and great advocacy organizations in my home State of New Mexico, such as New Mexico Voices for Children, for working with me and my staff on these real, innovative solutions to create more economic mobility.

As we work to advance this bipartisan bill in the Senate, I hope the rest of my colleagues will see why this is an issue that should not only be bipartisan but should command our urgent attention because the status quo is not something any of us should accept.

It is important to note that our proposal doesn't add any new Federal spending or add to the deficit. Our legislation simply takes existing funding programs that we already have in place and makes sure we are investing more

wisely, more efficiently, and more effectively to meet the needs of our children and their families. This is a fiscally responsible way to proceed, and it is a moral imperative.

We all know that all the potential we could ever ask for sits in homes, churches, and classrooms across this great Nation. By helping parents, grandparents, and children overcome poverty and pursue their dreams together, we can put whole families on a path toward economic security and create a greater economic future for all of our communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from New Mexico, Senator HEINRICH, in introducing the Two-Generation Economic Empowerment Act of 2016. It has been a great pleasure to work together to craft this important legislation, and I commend him for his leadership.

Our bipartisan bill proposes a new approach to fighting poverty, one that focuses on addressing the needs of children and their parents together—two generations—in order to break the cycle of intergenerational poverty.

More than 50 years after President Lyndon Johnson declared a War on Poverty, poverty remains a troubling reality for millions of Americans who struggle to find the resources they need for the basic necessities of life. In the time since that worthy war was first declared, the Federal Government has spent trillions of dollars—taxpayer dollars—on programs to combat poverty. Yet the truth is that the poverty rate has barely budged. In 1966, the poverty rate was 14.7 percent. Just this month, the U.S. Census Bureau announced that the poverty rate for 2015 was 13.5 percent. I would note that is actually 1 percentage point higher than the year before the start of the 2008 recession. The point is that despite our good intentions and despite the expenditure of trillions of taxpayer dollars, we have made very little progress in lifting families out of poverty.

Every State in our Nation is impacted by poverty. In my State of Maine, the poverty rate stands at 13.4 percent, just slightly below the national rate. Poverty spans rural towns and urban centers, race and ethnicity, men and women, old and young. It diminishes the chances of a bright future for far too many of our children.

Just this weekend, the Maine Sunday Telegram reported a heartwrenching story of a 5-year-old girl named Arianna, who lived in a makeshift tent in the woods outside of Portland. This is a picture of Arianna, a darling little girl only 5 years of age, living outside in a very crude tent. Thanks to the involvement of a State social worker and the Maine Homeless Veterans Alliance, who were committed to keeping the family together, this story, fortunately, has a happy ending. Arianna and her mother now live in an apart-

ment in Auburn, ME, and she has finally just started kindergarten.

We know that the well-being of children like Arianna is tightly linked to the well-being of their parents. Just last week, I chaired a hearing of the Senate Subcommittee on Housing and Transportation. We examined whether there is a better way to provide housing assistance to vulnerable families and individuals. Both OMB Director Shaun Donovan and HUD Secretary Julian Castro have often pointed out to our subcommittee that the single biggest predictor of a child's opportunities—and even that child's life expectancy—is the ZIP Code of the community where the child grows up.

Federal programs have certainly helped many of those living in poverty to manage the day-to-day hardships they face, but the fact is that these programs have failed to achieve their promise of breaking the cycle of poverty that has trapped too many families. We should not accept such outcomes here in the land of opportunity.

Our bipartisan legislation proposes a fresh approach that is aimed at equipping both parents and their children with the tools they need to succeed and become self-sufficient. It marks an important first step toward reevaluating our approach to poverty-reducing programs, encouraging innovative, more effective uses of tax dollars, and encouraging programs that allow us to tailor them to the needs of specific families—programs that will work.

Too often today our Federal programs address certain issues in silos, overlooking the fact that the needs of families in poverty are almost always interconnected. They shouldn't have to try to navigate the various programs that are available to put together the funding streams they need to lift themselves out of poverty. Our bill would change that. It encourages an integrated, personalized approach.

Let me give an example. Helping a mother secure safe, high-quality child care can have a positive impact not only on her ability to succeed in the workforce but also by improving her child's readiness for school. While that child is receiving care and an education, her mother can be connecting with a skills training program to help her improve her family's income. Connecting these various Federal programs has the potential to lift entire families out of poverty and break that vicious cycle of intergenerational or multigenerational poverty.

The Two-Generation Economic Empowerment Act would create an Interagency Council on Multigenerational Poverty to coordinate efforts across Federal agencies and departments aimed at supporting vulnerable families. The Council would also make recommendations to Congress on ways to improve coordination of anti-poverty programs and to identify best practices. Similarly, our legislation would instruct the Government Accountability Office, GAO, to study and re-

port to Congress and the Council on the barriers that prevent grant recipients from collaborating and identify opportunities for improved coordination.

Our bill would also authorize a pilot program to provide additional flexibility for States and local governments to improve the administration of programs using two-generation models. It would authorize five States to participate in two-generation performance partnerships. This would allow, for example, States like Maine and New Mexico to blend together similarly purposed funds across multiple Federal programs in order to help poor families. It aims to reduce duplicative reporting and application requirements. This kind of redtape and bureaucracy often deters local agencies and organizations from making the most effective use of tax dollars to ensure accountability because that is what this is all about. This bill would also require that these pilot programs be targeted at specific programs designed to reduce poverty, and it would measure the outcomes and the effectiveness of these programs.

Finally, our bill would create a pilot program to incentivize public-private partnerships around poverty solutions through social impact bonds. These public-private partnerships harness philanthropic and private sector investments to implement proven social programs. This concept is based on legislation that has been introduced by two of our colleagues, Senator ORRIN HATCH and Senator MICHAEL BENNET. I would note that through these partnerships, government funds are only paid out when the desired outcomes are met.

With this bill, we have the chance to make a permanent difference in the lives of millions of families in this country who are struggling and living in poverty. We have the opportunity to finally break the multigenerational cycle of poverty. We have the chance—after 50 years of pouring trillions of dollars into well-intentioned programs that have had some good benefits but have not produced the kinds of lasting results we need, we have the opportunity to change that.

Just as a child's ZIP Code should not determine his or her future success, so should the bureaucratic, siloed approach to poverty not make it so difficult for families to get the help they need to escape lives of poverty. We don't want more cases where a 5-year-old girl is living in a makeshift tent outside of the largest city in my State.

The Federal Government can be an effective partner in providing funding, in providing opportunities for parents and their children, lifting up families, and, in turn, building stronger communities. State and local governments—the laboratories of experimentation in this country—can be at the forefront of these efforts. And the increased flexibility proposed by our bill would help reform practices across government.

Building public-private partnerships would also help to spur innovative approaches and would help generations to come to take part and be full participants in the American dream.

Again, let me thank my partner Senator HEINRICH for his leadership on this bill. I urge our colleagues to take a look at the fresh, innovative approach we have developed to moving families out of poverty by breaking down the silos in Federal programs, by encouraging local and State and private sector and nonprofit organizations collaboration, and by giving them the tools they need to succeed.

Mr. President, let's not be here 50 years from now noting that the poverty rate is the same as it was when Lyndon Johnson declared the War on Poverty 50 years ago, which would then be 100 years ago. Let's try a different approach.

Thank you, Mr. President.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 583—AMENDING THE STANDING RULES OF THE SENATE TO ENSURE THAT THE SENATE VOTES ON WHETHER TO CONFIRM JUDICIAL NOMINEES

Mr. UDALL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 583

*Resolved,*

#### SECTION 1. VOTES ON JUDICIAL NOMINEES.

Rule XXXI of the Standing Rules of the Senate is amended by adding at the end the following:

"8. (a) Not later than 180 days after the date on which a judicial nomination made by the President is received, the Senate shall vote on—

"(1) whether the Senate will advise and consent to the judicial nomination; or

"(2) a motion to invoke cloture on the judicial nomination.

"(b) Except as provided in subparagraph (c), if the Senate does not vote on whether the Senate will advise and consent to a judicial nomination or a motion to invoke cloture on the judicial nomination during the period described in subparagraph (a), on the first day on which the Senate is in session after the end of the period described in subparagraph (a)—

"(1) if the judicial nomination was referred to a committee and has not been reported, the committee shall be discharged from further consideration of the judicial nomination and the judicial nomination shall be placed on the calendar without any intervening action or debate;

"(2) the Senate shall proceed to the judicial nomination without any intervening action or debate;

"(3) the Senate shall proceed to the question 'Is it the sense of the Senate that the debate shall be brought to a close?' with respect to the judicial nomination, in the same manner as if a motion to invoke cloture had been made under rule XXII, except that there shall be not more than 4 hours of debate on such question; and

"(4) it shall not be in order to move to proceed to the consideration of any other matter until such question is disposed of.

"(c) Subparagraph (b) shall not apply to a judicial nomination if, before the end of the period described in subparagraph (a), the committee to which the judicial nomination has been referred votes to report the judicial nomination unfavorably.

"(d) In this paragraph, the term 'judicial nomination' means the nomination of an individual to serve as a judge or justice appointed to hold office during good behavior."

#### SENATE RESOLUTION 584—ACKNOWLEDGING THE PEACEFUL HUNGER STRIKE OF GUILLERMO "EL COCO" FARINAS, A POLITICAL DISSIDENT IN CUBA, APPLAUDING HIS BRAVERY AND COMMITMENT TO HUMAN RIGHTS, AND EXPRESSING SOLIDARITY WITH HIM AND HIS CAUSE

Mr. CRUZ (for himself, Mr. RUBIO, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 584

Whereas Fidel Castro and Raul Castro have led an oppressive, totalitarian, 1-party Communist state in Cuba for 57 years;

Whereas the Castro regime has unyieldingly violated basic human rights and steadfastly suppressed peaceful dissent in Cuba, despite nonviolent calls for change in Cuba and internationally;

Whereas the unconditional reestablishment of diplomatic relations between the United States and Cuba has failed to meaningfully improve the predicament of the people of Cuba;

Whereas Guillermo "El Coco" Fariñas is an internationally renowned Cuban dissident dedicated to advocating for political freedoms and human rights in Cuba;

Whereas the Communist Party of Cuba has viewed political freedoms and human rights as antithetical to the totalitarian agenda, and a threat to the existence, of that party;

Whereas El Coco Fariñas has repeatedly stated his willingness to give up his own life for the cause of freedom and liberty in Cuba;

Whereas El Coco Fariñas held a 7-month hunger strike in 2006 to call attention to the Cuban Government's practice of Internet censorship in Cuba;

Whereas El Coco Fariñas held another hunger strike in 2010 to protest the Cuban Government's practices of making politically motivated arrests and maintaining prisoners of conscience;

Whereas the Government of Cuba denied El Coco Fariñas an exit visa in 2010 to travel to Strasbourg, France to receive the European Parliament's Sakharov Prize for Freedom of Thought, in recognition of the efforts of El Coco Fariñas to peacefully advocate for political freedoms in Cuba;

Whereas at the funeral of fellow activist Oswaldo Payá, who is widely believed to have been murdered by the Castro regime, El Coco Fariñas was among dozens of dissidents who were arbitrarily arrested;

Whereas El Coco Fariñas initiated another hunger strike in the summer of 2016 to call international attention to the continued brutality committed by the Cuban Government;

Whereas, on September 12, 2016, El Coco Fariñas ended that hunger strike following the release of a fabricated report that the European Union had conditioned relations with Cuba on improvements in the human rights situation in Cuba, which the European

Parliament later confirmed was false and the Cuban American National Foundation denounced as a "discrediting campaign to misinform the people of Cuba and the international community";

Whereas in recognition of his unwavering efforts to peacefully push for reforms for the people of Cuba, El Coco Fariñas has been awarded—

(1) the 2006 Cyber-Freedom Prize by Reporters Without Borders;

(2) the Weimar International Human Rights Award; and

(3) the 2010 Sakharov Prize for Freedom of Thought by the European Parliament; and

Whereas recognition of the recent hunger strike of El Coco Fariñas and an expression of solidarity with him and his cause sends a positive signal of the enduring commitment of the people of the United States to the people of Cuba: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the courage of Guillermo "El Coco" Fariñas in standing up to the relentless repression of the Government of Cuba;

(2) recognizes El Coco Fariñas for his perseverance in seeking meaningful change for the people of Cuba through peaceful means;

(3) acknowledges that the efforts of the Government of Cuba to undermine the latest hunger strike of El Coco Fariñas, through the release of a fabricated report, failed to diminish the international attention that his hunger strike attracted to the human rights situation in Cuba; and

(4) expresses solidarity and support for El Coco Fariñas, his valiant efforts, and his commitment to basic human freedoms for the people of Cuba.

#### SENATE RESOLUTION 585—DESIGNATING OCTOBER 26, 2016, AS "DAY OF THE DEPLOYED"

Mr. HOEVEN (for himself, Mr. ROBERTS, Ms. HEITKAMP, Mr. PETERS, and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 585

Whereas more than 2,000,000 individuals serve as members of the Armed Forces of the United States;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,700,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel from the total force (the regular components, the National Guard, and the Reserves), who protect the precious heritage of the United States through their declarations and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States; and

Whereas the Senate designated October 26 as "Day of the Deployed" in 2011, 2012, 2013, 2014, and 2015: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 26, 2016, as "Day of the Deployed";

(2) honors the deployed members of the Armed Forces of the United States and the families of the members;

(3) calls on the people of the United States to reflect on the service of those members of the Armed Forces, wherever the members serve, past, present, and future; and

(4) encourages the people of the United States to observe the Day of the Deployed with appropriate ceremonies and activities.

**SENATE RESOLUTION 586—HONORING THE LIFE OF JACOB WETTERLING AND RECOGNIZING THE EFFORTS OF JACOB WETTERLING'S FAMILY TO FIND ABDUCTED CHILDREN AND SUPPORT THE FAMILIES OF THOSE CHILDREN**

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was considered and agreed to:

S. RES. 586

Whereas Jacob Wetterling's parents faced the unimaginable tragedy of having their 11-year-old son, Jacob Wetterling, abducted near their home in Stearns County, Minnesota, on October 22, 1989;

Whereas Jacob Wetterling was taken at gunpoint and his disappearance remained unsolved for nearly 27 years;

Whereas Jacob Wetterling's body was not recovered until September of 2016;

Whereas Jacob Wetterling's mother bravely turned her grief into action and devoted her life to advocating for missing and exploited children;

Whereas Jacob Wetterling's mother has become a nationally recognized educator on child abduction and the sexual exploitation of children;

Whereas Jacob Wetterling's mother serves on the Board of Directors of the National Center for Missing and Exploited Children;

Whereas Jacob Wetterling's parents co-founded the Jacob Wetterling Resource Center to educate communities about child safety issues to prevent child exploitation and abductions;

Whereas Jacob Wetterling's mother authored the publication "When Your Child is Missing: A Family Survival Guide", along with 4 other families;

Whereas Jacob Wetterling's mother served for more than 7 years as Director of Sexual Violence Prevention for the Minnesota Department of Health;

Whereas the Star Tribune selected Jacob Wetterling's mother as one of the "100 Most Influential Minnesotans of the Century";

Whereas the efforts of Jacob Wetterling's mother led to the passage of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Public Law 103-322; 108 Stat. 2038), a Federal law that requires States to implement a sex offender and crimes against children registry; and

Whereas Jacob Wetterling's memory lives on through the efforts of the Wetterling family: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the life of Jacob Wetterling; and  
(2) recognizes the efforts of Jacob Wetterling's family to prevent child exploitation and abductions across the United States.

**SENATE RESOLUTION 587—PERMITTING THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS**

Mr. ISAKSON (for himself and Mr. BLUMENTHAL) submitted the following resolution; which was considered and agreed to:

S. RES. 587

*Resolved*,

**SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.**

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the second session of the 114th Congress.

**SENATE RESOLUTION 588—RECOGNIZING THE MONTH OF OCTOBER 2016 AS "NATIONAL PRINCIPALS MONTH"**

Mr. FRANKEN (for himself, Mr. CARPER, Mr. WYDEN, Mr. HEINRICH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. COCHRAN, and Mr. BOOZMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 588

Whereas the National Association of Secondary School Principals, the National Association of Elementary School Principals, and the American Federation of School Administrators have declared the month of October 2016 to be "National Principals Month";

Whereas principals are educational visionaries, instructional and assessment leaders, disciplinarians, community builders, budget analysts, facilities managers, and administrators of legal and contractual obligations;

Whereas principals work collaboratively with teachers and parents to develop and implement a clear mission, high curriculum standards, and performance goals;

Whereas principals create school environments that facilitate great teaching and learning and continuous school improvement;

Whereas the vision, actions, and dedication of principals provide the mobilizing force behind any school reform effort; and

Whereas the celebration of National Principals Month would honor elementary school, middle school, and high school principals, and recognize the importance of principals in ensuring that every child has access to a high-quality education: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of October 2016 as "National Principals Month"; and

(2) honors the contribution of principals in the elementary schools, middle schools, and high schools of the United States.

**SENATE RESOLUTION 589—HONORING THE 50TH ANNIVERSARY OF REFORMED THEOLOGICAL SEMINARY**

Mr. WICKER (for himself, Mr. COCHRAN, and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 589

Whereas Reformed Theological Seminary was founded in Jackson, Mississippi, in 1966, with the mission of serving the Christian community by preparing Christian leaders through a program of graduate theological education;

Whereas the vision for Reformed Theological Seminary originated in a prayer meeting of the following 5 Mississippi pastors: Sam Patterson, Erskine Jackson, John Reed Miller, James Spencer, and William Stanway;

Whereas the founders of Reformed Theological Seminary were Sam Patterson, Robert Cannada, Erskine Wells, Frank Horton, Bob Kennington, and Frank Tindall, and early board members included Elliott Belcher, Robert Rugeley, Hugh Potts, Emory Polmar, Gettys Guille, H.S. Williford, Sr., Horace Hull, Charles Harmon, and Roy LeCraw, many of whom were prominent Mississippians;

Whereas Reformed Theological Seminary opened its doors to 14 students from 8 colleges and 3 denominations in 1966, and has educated well over 12,000 students through the years, with over 6,000 graduates serving the Lord and the Christian Church in more than 80 countries around the world;

Whereas Reformed Theological Seminary is the largest accredited seminary in the State of Mississippi;

Whereas Reformed Theological Seminary has campuses and extensions in—

- (1) Jackson, Mississippi;
- (2) Orlando, Florida;
- (3) Charlotte, North Carolina;
- (4) Atlanta, Georgia;
- (5) Houston, Texas;
- (6) Memphis, Tennessee;
- (7) McLean, Virginia; and
- (8) New York City, New York;

Whereas Reformed Theological Seminary has established a global distance education program with online students on every populated continent, and a doctoral program with Mackenzie University in São Paulo, Brazil;

Whereas Reformed Theological Seminary is one of the largest accredited theological seminaries in North America, having prepared students for service in over 73 denominations, and with graduates who have started no fewer than 23 theological educational institutions around the world;

Whereas Reformed Theological Seminary has over 40 full-time faculty members instructing over 1,500 current students in 9 different degree programs, readying them to serve the Christian Church and all Christians with a mind for truth, a life for ministry, and a heart for the Lord;

Whereas Reformed Theological Seminary graduates continue on to vocations not only as pastors, but also as counselors, chaplains, teachers, church planters, missionaries, campus ministers, relief workers, and community leaders, thus contributing greatly to

the well-being of their neighbors, communities, and culture, in the United States and around the world;

Whereas Reformed Theological Seminary has been a blessing to the United States and an ambassador for the Lord around the world; and

Whereas, on October 6 and 7, 2016, Reformed Theological Seminary will celebrate its 50th Anniversary: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates Reformed Theological Seminary for 50 years of faith-inspired service;

(2) expresses profound respect and deep appreciation for—

(A) the transformational impact Reformed Theological Seminary has had on the United States; and

(B) the beneficent service of Reformed Theological Seminary to humanity around the world; and

(3) expresses heartfelt wishes for continued blessings and achievement in the decades to come.

# SENATE CONCURRENT RESOLUTION 52—HONORING VINCENT EDWARD “VIN” SCULLY, THE UNITED STATES BASEBALL BROADCASTER WHO HAS MAGNIFICENTLY SERVED AS THE PLAY-BY-PLAY ANNOUNCER FOR THE BROOKLYN AND LOS ANGELES DODGERS FOR 67 MAJOR LEAGUE BASEBALL SEASONS SINCE 1950

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

## S. CON. RES. 52

Whereas Vincent Edward “Vin” Scully was born in the Bronx, New York, on November 29, 1927;

Whereas Vin Scully was raised in the Washington Heights neighborhood of Manhattan, New York;

Whereas when Vin Scully was 8 years old he decided he wanted to become a sports announcer;

Whereas in 1950, at the age of 22, Vin Scully joined the radio and television broadcast team for the Brooklyn Dodgers;

Whereas in 1953, at the age of 25, Vin Scully became the youngest individual to announce the broadcast of a World Series game;

Whereas Vin Scully announced Brooklyn Dodgers’ games through 1957, after which he moved with the Dodgers to Los Angeles as the first team in Major League Baseball to play in Southern California;

Whereas Vin Scully is credited with teaching the game of baseball to Los Angeles;

Whereas since 1950, Vin Scully has announced more than 9,000 Major League Baseball games and almost ½ of all Los Angeles Dodgers games ever played;

Whereas Vin Scully has announced numerous iconic moments in baseball history, including—

(1) on September 9, 1965, Vin Scully announced Los Angeles Dodgers’ pitcher Sandy Koufax’s perfect game against the Chicago Cubs, concluding, “Sandy Koufax, whose name will always remind you of strikeouts, did it with a flourish. He struck out the last 6 consecutive batters. So when he wrote his name in capital letters in the record book, that ‘K’ stands out more than the ‘oufax’.”;

(2) on April 8, 1974, Vin Scully called the 715th homerun by Hank Aaron to break Babe

Ruth’s longstanding homerun record, stating, “What a marvelous moment for baseball, what a marvelous moment for Atlanta and the State of Georgia, what a marvelous moment for the country and the world. A black man is getting a standing ovation in the Deep South for breaking a record of an all-time baseball idol. And it is a great moment for all of us, and particularly for Henry Aaron.”; and

(3) on October 15, 1988, during Game 1 of the 1988 World Series at Dodger Stadium, Vin Scully announced a game-winning, pinch hit homerun by injured Los Angeles Dodger Kirk Gibson against Oakland Athletics’ reliever Dennis Eckersley, declaring, “High fly ball into right field. She is gone . . . In a year that has been so improbable, the impossible has happened.”;

Whereas Vin Scully has described the exploits of some of baseball’s all-time greats, including Jackie Robinson, Roy Campanella, Sandy Koufax, Don Drysdale, Duke Snider, Don Sutton, Fernando Valenzuela, Tommy Lasorda, Orel Hershisier, Mike Piazza, and Clayton Kershaw, among many others;

Whereas Vin Scully has been nicknamed “The Shakespeare of Baseball”, “The Voice of the Dodgers”, and “The Voice of Summer”;

Whereas Vin Scully has been awarded the honors of—

(1) National Sportscaster of the Year from the National Sports Media Association in 1965, 1978, and 1982;

(2) Ford Frick Award from the National Baseball Hall of Fame in 1982;

(3) induction into the National Sports Media Association Hall of Fame in 1991;

(4) induction into the American Sports-casters Association Hall of Fame in 1992;

(5) Life Achievement Emmy Award for Sportscasting in 1995;

(6) induction into the National Radio Hall of Fame in 1995;

(7) Sportscaster of the Century from the American Sportscasters Association in 2000;

(8) induction into the California Sports Hall of Fame in 2008;

(9) induction into the National Association of Broadcasters Broadcasting Hall of Fame in 2009;

(10) Ambassador Award of Excellence from the Los Angeles Sports & Entertainment Commission in 2009;

(11) Top Sportscaster of All-Time from the American Sportscasters Association in 2009;

(12) Baseball Commissioner’s Historic Achievement Award in 2014; and

(13) 32-time California Sportscaster of the Year;

Whereas, on September 23, 2016, during a pregame ceremony at Dodgers Stadium to honor Vin Scully for his iconic life and contributions, he was likened to Norman Rockwell and film character George Bailey; and

Whereas Vin Scully will announce his final game on October 2, 2016, when the Los Angeles Dodgers visit the San Francisco Giants: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) honors the life and legendary career of Vincent Edward “Vin” Scully, whose character, artistry, and storytelling as an announcer for the Brooklyn and Los Angeles Dodgers has set the standard for sports announcing; and

(2) wishes Vin Scully a fulfilling retirement as he bids farewell to the broadcast booth following the 2016 Major League Baseball season.

Mrs. FEINSTEIN. Mr. President, I rise to submit a concurrent resolution to honor the great Vin Scully—a magnificent baseball announcer for the Los Angeles Dodgers for the past 67 Major League Baseball seasons.

Days ago, Scully announced his final game at Dodger Stadium.

It was a game won by the Dodgers on a walk-off homerun, in dramatic fashion, to clinch the division.

It was a fitting end to Scully’s storied career calling baseball games in Los Angeles. When the homerun was hit, he exclaimed, “Would you believe a homerun? And the Dodgers have clinched the division, and will celebrate on schedule.”

Seconds later, in true Scully-form, he remained silent, letting the roar of Dodgers fans take over the microphone.

Scully’s storytelling over the microphone has captured the imagination of not just those who have grown up in Southern California, but all over America.

In fact, so many Americans recall watching Game 1 of the 1988 World Series when Kirk Gibson famously hit a walk-off homerun against Dennis Eckersley.

After Scully called the homerun shot, he paused to proclaim, “In a year that has been so improbable, the impossible has happened.”

The call was a harbinger of things to come, because the Dodgers went on to win the series against a heavily favored Oakland Athletics team.

Scully first fell in love with baseball and broadcasting as an 8 year old boy growing up in New York in 1936.

He recounted this beginning in a deeply personal letter he wrote to fans recently, stating, “God has been very generous to that little boy, allowing him to fulfill a dream of becoming a broadcaster and to live it for 67 years . . . You were simply always there for me. I have always felt that I needed you more than you needed me and that holds true this very day.”

We too are immensely fortunate to have witnessed Scully’s life-long devotion to the game of baseball.

Scully has announced more than 9,000 Major League Baseball games, and almost half of all of the Dodger games ever played.

He is credited with teaching the game of baseball to Los Angeles.

He vividly brought to life the feats of all-time Dodgers greats such as Jackie Robinson, Roy Campanella, Sandy Koufax, Don Drysdale, Duke Snider, Don Sutton, Fernando Valenzuela, Orel Hershisier, Tommy Lasorda, Mike Piazza, and Clayton Kershaw.

This is why his voice evokes so many memories for so many people.

But even beyond his artistic accomplishments, Vin Scully is about as fine a person as you will meet. Those who know him closely remark of his character and humility. They speak of his desire simply to be a decent man, a good husband, father, and grandfather.

This humility and grace was reflected in his broadcast style. He was never one to rush, and did all he could to enhance the game he loved. Often times, he let the roar of the crowd speak for itself.

I want to thank Senator BOXER for cosponsoring the resolution to honor Scully, as he takes his final curtain call from the broadcast booth next week.

I also want to express my thanks to House Democratic Caucus Chairman XAVIER BECERRA for leading the House effort on this resolution.

**SENATE CONCURRENT RESOLUTION 53—DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 5325**

Mr. COCHRAN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 53

*Resolved by the Senate (the House of Representatives concurring).* That, in the enrollment of the bill H.R. 5325, the Clerk of the House of Representatives shall make the following correction to the title so as to read: "Making continuing appropriations for fiscal year 2017, and for other purposes."

**SENATE CONCURRENT RESOLUTION 54—EXPRESSING THE SENSE OF CONGRESS AND REAFFIRMING LONGSTANDING UNITED STATES POLICY IN SUPPORT OF A DIRECT BILATERALLY NEGOTIATED SETTLEMENT OF THE ISRAELI-PALESTINIAN CONFLICT AND OPPOSITION TO UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPOSING A SOLUTION TO THE CONFLICT**

Mr. KIRK (for himself and Mr. BLUMENTHAL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 54

Whereas the United States has long supported a negotiated settlement leading to a sustainable two-state solution with the democratic, Jewish state of Israel and a democratic Palestinian state living side-by-side in peace and security;

Whereas it is the long-standing policy of the United States Government that a peaceful resolution to the Israeli-Palestinian conflict will only come through direct, bilateral negotiations between the two parties;

Whereas President Barack Obama reiterated this policy at the United Nations General Assembly in 2011, stating, "Peace is hard work. Peace will not come through statements and resolutions at the United Nations—if it were that easy, it would have been accomplished by now. Ultimately, it is the Israelis and the Palestinians who must live side by side. Ultimately, it is the Israelis and the Palestinians—not us—who must reach agreement on the issues that divide them";

Whereas the Palestinian Authority has failed to end incitement to hatred and violence through Palestinian Authority-directed institutions against Israel and Israelis and to end payments to prisoners and the families of those who have engaged in terrorism or acts of violence against Israelis or the State of Israel;

Whereas the Palestinian Authority has continued to provide payments to prisoners

and the families of those who have engaged in terrorism or acts of violence against Israelis or the State of Israel, including reports of approximately \$300,000,000 in 2016;

Whereas efforts to impose a solution or parameters for a solution can make negotiations more difficult and can set back the cause of peace;

Whereas it is long-standing practice of the United States Government to oppose and, if necessary, veto United Nations Security Council resolutions dictating additional binding parameters on the peace process;

Whereas it is also the historic position of the United States Government to oppose and veto, if necessary, one-sided or anti-Israel resolutions at the United Nations Security Council;

Whereas, for this reason, the United States has vetoed 42 Israel-related resolutions in the United Nations Security Council since 1972;

Whereas the Palestinian Authority must engage in broad, meaningful, and systemic reforms in order to ultimately prepare its institutions and people for statehood and peaceful coexistence with Israel; and

Whereas unilateral recognition of a Palestinian state would bypass negotiations and undermine incentives for the Palestinian Authority to make the changes necessary that are pre-requisites for peace: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* that it is the sense of Congress that—

(1) a durable and sustainable peace agreement between Israel and the Palestinians will come only through direct bilateral negotiations between the parties;

(2) any widespread international recognition of a unilateral declaration of Palestinian statehood outside of the context of a peace agreement with Israel would cause severe harm to the peace process, and would likely trigger the implementation of penalties under sections 7036 and 7041(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114-113; 129 Stat. 2769, 2779);

(3) efforts by outside bodies, including the United Nations Security Council, to impose an agreement or parameters for an agreement are likely to set back the cause of peace;

(4) the United States Government should continue to oppose and veto United Nations Security Council resolutions that seek to impose solutions to final status issues, or are one-sided and anti-Israel; and

(5) the United States Government should continue to support and facilitate the resumption of negotiations without pre-conditions between Israelis and Palestinians toward a sustainable peace agreement.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 5105. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 5082 proposed by Mr. MCCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 5105.** Mr. HELLER submitted an amendment intended to be proposed to amendment SA 5082 proposed by Mr. MCCONNELL (for Mr. COCHRAN) to the bill H.R. 5325, making appropriations

for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . NO BUDGET NO PAY.**

(a) **SHORT TITLE.**—This section may be cited as the "No Budget, No Pay Act".

(b) **DEFINITION.**—In this section, the term "Member of Congress"—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

(c) **TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.**—If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

(d) **NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e).

(2) **NO RETROACTIVE PAY.**—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e), at any time after the end of that period.

(e) **DETERMINATIONS.**—

(1) **SENATE.**—

(A) **REQUEST FOR CERTIFICATIONS.**—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under clause (i) and (ii) of subparagraph (B).

(B) **DETERMINATIONS.**—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Senators may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Senators may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Secretary of the Senate.

(2) **HOUSE OF REPRESENTATIVES.**—

(A) **REQUEST FOR CERTIFICATIONS.**—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under clause (i) and (ii) of subparagraph (B).



(B) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Members of the House of Representatives may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Chief Administrative Officer of the House of Representatives.

(f) EFFECTIVE DATE.—This section shall apply on and after February 1, 2017.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FLAKE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 28, 2016, at 12 p.m., in room S-216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

Mr. FLAKE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy be authorized to meet during the session of the Senate on September 28, 2016, at 10 a.m., to conduct a hearing entitled “The Persistent Threat of North Korea and Developing an Effective U.S. Response.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON IMMIGRATION AND NATIONAL INTEREST

Mr. FLAKE. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration and the National Interest be authorized to meet during the session of the Senate on September 28, 2016, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Oversight of the Administration’s FY 2017 Refugee Resettlement Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mrs. FISCHER. Mr. President, I ask unanimous consent that Daniel Ball, an FCC detailee with the Commerce Committee, be granted floor privileges for the duration of the 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent that Ian Foss, a detailee on the HELP Committee, the Health, Education, Labor, and Pensions Committee for Senator MURRAY

be granted floor privileges for the remainder of today’s session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent that Eric Hanson, a detailee to the Homeland Security and Governmental Affairs Committee, be granted privileges of the floor for the remainder of the second session of the 114th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—H.R. 954

Mr. RUBIO. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 954) to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO-OP) program.

Mr. RUBIO. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

#### ORDERS FOR THURSDAY, SEPTEMBER 29, 2016

Mr. RUBIO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, September 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. RUBIO. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators CARPER and COONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

#### REMEMBERING BETTY DEWHIRST RUSSELL

Mr. COONS. Mr. President, I rise today to speak in honor of a friend, a

fellow congregant—Betty Dewhirst Russell—someone I have known for a long time and someone I knew as a member of my home church, First and Central Presbyterian in Wilmington, DE.

Earlier today, Betty passed away. I am so honored to have an opportunity on the floor of the Senate to briefly recognize her for her remarkable service to the United States and for her great and soaring spirit.

Betty was a young midwestern girl when she ventured to St. Louis, MO, in 1940, to begin her schooling as a nurse. Upon graduation, she volunteered for service in the U.S. Army. Betty was posted to Longview, TX, for basic training. While in Longview, she would meet her future husband, Lloyd Byron Russell, known as Russ, of Wilmington, DE.

Betty served her country as a first lieutenant in the Army Nurse Corps from April 1943 until January 1946 through the 70th General Hospital. Betty served alongside her uncle, Chief Surgeon Colonel L.D. Cassidy. In something that she recounted to me a number of times once I was elected to this body, Betty, during the Second World War and as part of the 70th General Hospital, cared for hundreds and hundreds of American soldiers, among them two who returned home to serve in this body as Senators—Bob Dole of Kansas and Daniel Inouye of Hawaii.

Betty received a battle star as the 70th General Hospital was awarded the European-African-Middle Eastern Campaign Ribbon. Betty was, understandably, proud of her service, saving so many American lives. One cherished memory that Betty shared with her family was that when she was caring for one particularly badly wounded GI, his last request was to hold close an American flag—a big one, he said. She went to the Red Cross, and they gave her a big American flag. She spread it over his body. He put his arms around it, smiled, and took his last breath.

Betty and Russ were married in Oran, Algeria. Being military and married in a foreign country required cutting through a lot of redtape. They were eventually married twice—once by the French Government and once by the U.S. Army. Betty and Russ returned to live in our hometown of Wilmington, DE, and eventually settled in Hockessin. They were married for 53 years before Russ passed in 1998.

Betty and Russ’s four children were born and raised in Delaware. She served her community faithfully, by helping to establish the Hockessin Well Baby Clinic, by serving as a Cub Scouts den mother, as a volunteer at the junior board of Memorial Hospital, at the Wilmington Flower Market for over 50 years, and as a charter member of the Hockessin Community Club. Betty was also a longtime board member of the Lamborn Library and of the Friends of the Hockessin Library in Hockessin and a faithful member of First and Central Presbyterian Church for 70 years.

Betty has lived a full and wonderful life—full of dedicated service to her faith, her family, and her country. She always saw the best in others, and she always had a hopeful attitude about the day that lay ahead. So I am grateful for having had the opportunity to know Betty for just a few years in our wonderful home State. I am so grateful for the career and the life of service that Betty Russell gave as a gift to all of us in Delaware and in this grateful Nation.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with Senator CARPER for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING CHRISTOPHER LEACH AND JERRY FICKES

Mr. COONS. Mr. President, it is with a heavy heart that Senator CARPER and I come to the floor this evening to honor Chris Leach and Jerry Fickes, two brave Wilmington firefighters who lost their lives this past Saturday night. In any State or in any community, the loss of a firefighter or police officer is devastating, but in our small State of neighbors, a close-knit State with an even closer knit first responder community, a community that includes families and multiple generations, it is especially hard.

To those who knew Chris and Jerry, it must be little comfort now that we are here on the floor of the U.S. Senate to pay tribute to their lives, but in the next few minutes, we hope to capture just a fraction of the light they brought to their families and our community with their love and service.

Lieutenant Christopher Leach wasn't supposed to be working on Saturday night, but he filled in for another firefighter, likely thinking it would be a shift like any other shift. He was always willing to step forward and serve.

After getting the call that there was a fire in a Canby Park row house, Chris did what he had been training to do since 1993. Chris did what he told his friends, all the way back to Salesianum High School, he always wanted to do as long as they could remember—fight fires.

Chris grew up in the volunteer fire service. He joined the Tallyville Fire Company in 1993 at the age of 18, rising steadily through the ranks of the volunteer fire service to captain. The more time he spent at the firehouse, the more he loved it. Four years later, at age 22, Chris joined the Claymont Fire Company and served as a full-time firefighter and EMT there.

Chris was a lifelong learner, doing whatever he could to develop new skills to support his crewmates and help save lives.

Chris took classes all over our country, from Virginia to Texas, to Cali-

fornia, and his training paid off. In July 2002, at a house fire in Claymont, a firefighter from the ladder company fell through the first floor and into the basement. Chris and two others saved that firefighter's life, earning Chris a series of recognitions, including Fireman of the Year from New Castle County Volunteer Fire Service and the Claymont Fire Company.

Several months later, Chris joined the Wilmington Fire Department, where he was assigned to Engine 4B Platoon. He was only there for a couple of years before being transferred to the Special Operations Command of Engine 1B, where he was quickly recognized for his work, and then Rescue 1B. At the time of his passing, he was serving with Engine 6.

All this time, Chris never stopped learning and improving. He never stopped acting on his passion for firefighting. He researched and applied for and earned a \$200,000 grant for extra training and equipment. He wrote the standard operating procedures for the Special Operations Command. He trained as an instructor in NIMS, the National Incident Management System, and made sure that every Talleyville volunteer member became certified in the NIMS system. He served on the Newcastle County Task Force Rescue Team and earned a bachelor of science degree in fire service administration from Waldorf University.

Throughout a long and distinguished firefighting career, Chris was constantly achieving and growing, saving lives and building new skills. Described by so many I have spoken to as a "firefighter's firefighter," his commitment to his brothers and sisters at the firehouse was relentless. If he thought the department needed something done, he would go do it himself. If the fire company couldn't afford something, he would find a way to make it happen. That commitment went beyond just his professional leadership. I have heard from so many who said Chris was a good, loyal, and faithful friend. He was a softball teammate and also a practical joker, a lover of Billy Joel and Lynyrd Skynyrd, a so-called Mr. Fix-It, and king of nicknames. He was a big guy with a big heart and a deep voice who couldn't hide when he entered a room. Chris was someone who volunteered at the firehouse on his days off and visited elementary schools to talk about his love of firefighting and to help persuade a young generation to join him.

As his friend Andy Millis described him, Chris "was a lieutenant you wanted to work for." He loved his job, he loved his colleagues, and he loved his responsibility, but there was nothing he loved more than his family. His mother Fran, his sister Katie and Katie's wife Carolee, his fiancée Kate and her boys Landon and Casey. Most of all, Chris loved his beautiful children. He said there was nothing greater than being a father to his kids, Brendon, age 16; Abby, 14; and Megan,

12. He took them camping and fishing, to the beach and Cub Scouts, and always found a way to be there for their every activity. Chris lived for his kids.

Chris lost his own father Michael to cancer in 2004 and always kept his dad's funeral card in his helmet. Chris honored his father by being a great dad himself, just as Michael was to him. We can only hope that in the brief time each of us has here, that we shine brightly and relentlessly for the people we love and the community we serve. Few shine as brightly as Chris Leach did.

With that, I yield the floor to my colleague from Delaware Senator CARPER, who will share some words about another hero we also lost on Saturday, senior firefighter Jerry Fickes.

Mr. CARPER. Mr. President, I thank my colleague CHRIS COONS for allowing me to join him and together offer this tribute to Chris Leach and Jerry Fickes.

Earlier today, the floor was busy with activity—and really joyful activity—as Democrats and Republicans tried to work together to come to an agreement on a spending plan to fund our government past the end of this fiscal year and into the beginning of the coming fiscal year. We worked out some difficult compromises. There was actually a lot of joy here as we said goodbye to one another and headed for our respective States until after the election.

So on the heels of what was really a rather joyous afternoon comes a far more serious one, and that is the opportunity to say goodbye and to say thank you to a couple of Delawareans who were really true public servants who tragically lost their lives this past weekend in trying to save the lives of others—Chris Leach and Jerry Fickes. I am going to talk about Jerry, since Senator COONS has shared with us some wonderful words about Lieutenant Chris Leach.

On Saturday, Jerry Fickes, a 13-year veteran of the Wilmington Fire Department, rushed into a burning home along with his colleague, Chris and others, when a member of the team believed to be Chris became trapped in the blaze.

They were told, I understand from those who were present at the fire, that when the Wilmington Fire Department showed up, they were led to believe that there were people inside the house; the house was on fire, and they needed to be saved. Once inside the building, I think they went into the basement, but the floor above them apparently gave way, and their lives were lost in that fire.

Two other firefighters were critically burned, and, hopefully, they are going to live, but one was burned on 70 percent of her body. Our hopes and prayers are with her and with her fellow colleague who also received very serious burn damage.

Jerry Fickes was a husband, a father, a U.S. Army veteran, and a beloved

member of Delaware's firefighter family. That is a strong family, as Senator COONS knows—a strong family and strong bond. We are very proud of them all.

He was born not in Delaware but in Evanston, IL, to his mom Jo Ann who sadly predeceased him, and to his father Jerry after whom Jerry Fickes, Jr., is named.

Jerry grew up in Illinois and later moved to Overland Park, KS, a suburb of Kansas City. Jerry's early life was full of innocent mischief and football games outside with his neighbors and his five brothers and sisters: Karen, Jeri, Kimberly, Steven, and David.

The neighborhood kids played together so much—constantly crossing through each other's yards, I am told, to get to different houses—that the neighbors were unsuccessful at keeping shrubs along their proper line. It reminds me of growing up in Danville, VA.

When Jerry started his freshman year at Washburn University in Topeka, KS, his grades were less than stellar, but in reality Jerry was just bored. Once he joined the Army ROTC, things turned around. The Army ROTC gave him structure, and he became very driven and goal oriented. By the time he reached his junior year in college, during which he would meet his future wife Laura while she was working the phone in their dorm's office, Jerry had it all together.

Jerry was a serious student, but he was also known to be a fun-loving guy. He graduated with a degree in computer science and mathematics but also had a lot of gym credits because he made being active a priority. His motto became "Mind, Body, Spirit: If you have all three, then you're sound."

College and the ROTC taught Jerry there is lot more to learning than just memorizing facts, and that is when everything started to click for Jerry. He took actuarial exams before graduating college and started his obligation to the Army with officer training in Fort Benning. He took a test and scored so well that the Army asked him what he would like to do. That doesn't happen every day. Jerry told them he wanted to join the infantry because he wanted to make a difference, and that is where we felt he could best do it.

I think that tells us a lot about the kind of man Jerry Fickes was.

His wife Laura recalls the first time she met Jerry—in a tiny office in his dorm building where she answered the phones. When people would call for him, everyone would say his name differently—Fix, Ficks—and Laura could never find his name in the directory until finally one day she met him in person. She asked him: How do you say your name? He just replied: You can say whatever you want to say, and walked away. Little did she or he know that someday she would take that name, just a few years later, as her own.

Once married, Jerry had the opportunity to become an actuary with

Alico in Wilmington, DE, a company with which Senator COONS and I are well familiar, and the newlyweds with their hard-to-pronounce last name came to the East Coast. Jerry worked at Alico for a while and then later became a consultant for Ernst and Young in Philadelphia.

But something always nagged at Jerry. Jerry had the heart of a servant, and when the first gulf war came around, he knew he could use his training in chemical warfare to be an asset to the Army. He called his reserve unit in Kansas to be put on the activation list, but at the time, and much to his wife's relief, he was not called up.

But Jerry wanted to do more, so it didn't surprise Laura one bit when Jerry decided to join the Aetna Hose Hook and Ladder Company in Newark, DE, as a volunteer firefighter. For over a decade, he selflessly juggled his firefighting duties with a full-time career in financial services and a new family that would eventually include two young sons, Ben and Josh. It also didn't surprise Laura when, after 12 years of volunteering, Jerry could no longer ignore his true calling. He gave up his job at financial services to work full-time with the Wilmington fire company.

From day one, Jerry jumped at the chance to take every call that came in on his shift. Because of this, his fellow firefighters called Jerry a dynamo. Sometimes his determination to get the job done right would leave Jerry covered in melted roof shingles or draped in insulation from an attic, while everyone else's gear was nearly clean. Those mischievous days running around the neighborhood in Kansas weren't far off. Around the firehouse, Jerry was known, very much like Chris Leach, as a prolific prankster. His friends recall that he would often pull a prank and then sit back, watching and waiting as everyone tried to figure out who was responsible for this latest joke.

Jerry lived a full life, but perhaps no job was more important to him than helping to raise two sons, Ben and Josh. He was also interested in hearing about his sons and even about their friends, their interests, their goals, and their projects. He was the first to help them research a science project, chaperone big gatherings, or teach Sunday school at Grace Lutheran Church in Hockessin.

Even though Jerry didn't care much for running, he knew how much his son Ben did. Jerry was so interested in his son's passion that Jerry did the first few triathlons with Ben, and this past May they both ran a marathon. Imagine that: son and father. And they were both getting excited to run the next race. In fact, just last week Jerry was thrilled to learn that his son had qualified for the Boston Marathon, a huge point of pride for him.

Ben, a Charter School of Wilmington graduate and now a freshman at Northeastern in Boston, and Josh, a junior at

Charter, both learned from their dad what is really important in life; that is, to serve others. To shake adults' hands and look them right in the eye, to give up your seat on the subway or the bus or the train for somebody else. That is the way Jerry lived his life, and that is what he passed down to his children.

Jerry was a true public servant. He devoted his entire adult life to others. He was also a man of deep faith. His service, and ultimately his sacrifice, reminds me—and I know Senator COONS—of a passage from the Book of John: "Greater love hath no man than this, that a man lay down his life for his friends."

While no words can ease the suffering of Jerry's family, we seek solace in the memory of a life lived for others and a life given to others by a brave and selfless man.

I pray and will continue to pray for Jerry's wife of 26 years, Laura; their two sons, Ben and Josh; Jerry's dad, Jerry, Sr.; his brothers, Steven and David; his sisters, Karen, Jeri, and Kimberly; and many, many nieces and nephews and his brothers and sisters in the Wilmington fire service.

Words can never express the pride we have in our hearts for our firefighters in Delaware, the City of Wilmington, and throughout our State. How grateful we are for their sacrifice and for that of their families because the work they do every day and the work Jerry did and really gave up his life for is unlike any other. From the moment he and his fellow firefighters put on that uniform every morning, they answered a call that they knew could put their lives at risk in just a moment.

I am reminded of the words of the firefighters' prayer that goes something like this: "When I am called to duty, God, wherever flames may race, give me the strength to save some life, whatever be its age . . . and if, according to our fate, I have to lose my life, please bless with Your protecting hand my children and my wife."

The prayer embodies the selflessness that Jerry Fickes displayed every single day. He took an oath to serve, knowing that one day he might not come home but feeling even more strongly that he had to help others. Now it is my hope that our community of Delaware can be a part of protecting him and looking after Jerry's family, his wife, and children, helping to comfort them in their time of need and looking out for them in the days to come.

To all of Delaware's firefighters who are in mourning, who continue to put on their gear every day to go to work to protect our communities, we salute you. We say thank you. And thank you for your unwavering commitment to lives lived in service to others. You are an inspiration to us all. So was Jerry.

God bless each and every one of you, and may God bless Jerry Fickes.

I yield the floor.

Mr. COONS. Mr. President, I thank Senator CARPER.

Before we conclude, let us share our deepest gratitude to Ardythe Hope and to Brad Speakman, two Wilmington firefighters who were also badly injured in Saturday's fire. They are still in the hospital, Chester Crozer, recovering, and we pray for a speedy recovery.

We are thankful as well for the safety of John Cawthray and Peter Cramer and Terrance Tate, firefighters who were also injured in the fire and for all of their colleagues.

For Delaware's first responder community, in some ways, tomorrow will be like any other. Our firefighters, our police officers, our EMTs and paramedics will be on call, keeping us safe and secure, and we, the rest of us in our community and State and country, will go on about our lives, many folks really not thinking about them until the moment we need them. But no matter what we are doing and what we are thinking, when their shift starts, they will be on it. They will be on duty ready to run without hesitation, even into situations that would cause the rest of us to run in the opposite direction.

As Christiana Fire Chief Rich Perillo said this past Sunday, "the only thing we ever signed up to do is to protect our neighbors and neighborhoods, and that we will continue to do no matter what comes our way."

We are both so grateful for the dedication, the service, and the love shown by the Delaware fire service to protect neighbors. In that sense, today and tomorrow and the days after will be like any other in that we can continue to rely on our first responders, and we are grateful for that. But in so many other ways—in the ways that truly matter—it just will not be the same.

For Chris's and Jerry's families and friends, for their brothers and sisters at the firehouse, for all the members of our first responder community, and for all the Delawareans who had a chance to work or serve with them and to be protected by them, things will not be the same. That is why we pray for their families. We pray that tomorrow will be just a little easier for them than today and that the next day a little easier than tomorrow, and so on, until the pain is eventually matched by the joy that comes from remembering someone you love and by the gratefulness we all feel for having had the privilege to know someone special.

One of life's unsung joys is the look in a child's face in the presence of one of their heroes. Have you ever seen a young child as a fire truck goes by? Their eyes are wide with amazement. The station door rises, sirens wale, the lights flash, and the bright red truck goes by with an American flag waving off the back. As adults, we notice it. We take notice. We wonder what might have happened, and we go back to our day. Even though a child doesn't know where the truck is going, they know that is what a hero looks like.

As a father, I look at firefighters like Chris and Jerry with the same sense of

awe that young children do, not just because of their uniforms or the sirens or the truck but because of their deep and lifelong commitment to do a dangerous job.

They loved their children and their families. They have been there for their friends and neighbors. They have served their communities and their brothers and sisters and firehouse tirelessly, all while risking their lives every day, leaving for a shift not knowing if they would come home that night or the next morning. That is what a hero looks like.

This week and the weeks to come, I know Senator CARPER and I and our whole community will remember, mourn, pray for, and be grateful for Chris and Jerry. Like a child watching an engine rush by, we will see their lives fly by in our memories and our tributes knowing they went by too quickly, leaving us before we can truly appreciate where they are going or why. But amidst so much we cannot know, we can take solace in knowing that they are going there for a reason far bigger than any one of us.

And as we watch their lives pass by in our memories, we can say to ourselves what the child says when he sees a fire truck go by: That is what a hero looks like.

Let me leave you with the same passage from Scripture shared by Senator CARPER from John 15. "Greater love has no one than this: to lay down one's life for one's friends."

Thank you, Chris and Jerry, for your sacrifice, your service, your love, and for laying down your lives for all of us.

I thank Senator CARPER for joining me tonight.

Mr. CARPER. I thank Senator COONS for those beautiful, heartfelt words.

A few years ago, the Senator who would have joined me and who would have joined Bill Roth before me would have been JOE BIDEN, who served here for six terms. He was someone who loved the fire service in Delaware and is still beloved by them.

I have heard JOE say a number of times—and I know Senator COONS has as well—these words when talking to people who had a serious loss in their life. He would say something such as this: May soon come the day when the memory of the one you have loved and lost brings a smile to your face before it brings a tear to your eye.

That would be my prayer for these families, the Leach family and the Fickes family.

Thank you.

I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:31 p.m., adjourned until Thursday, September 29, 2016, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JANE MARIE DOGGETT, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2022, VICE CATHY M. DAVIDSON, TERM EXPIRED.

DIANE SUZETTE HARRIS, OF UTAH, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2022, VICE PAULA BARKER DUFFY, TERM EXPIRED.

VIRGINIA JOHNSON, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2020, VICE AARON PAUL DWORIN, TERM EXPIRED.

SYLVIA OROZCO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2022, VICE PAUL W. HODES, TERM EXPIRED.

##### STATE JUSTICE INSTITUTE

WILFREDO MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2019. (REAPPOINTMENT)

##### DEPARTMENT OF DEFENSE

GLENN FINE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE JON T. RYMER, RESIGNED.

##### CORPORATION FOR PUBLIC BROADCASTING

BRENT FRANKLIN NELSEN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2022. (REAPPOINTMENT)

##### DEPARTMENT OF STATE

JEFFREY DELAURENTIS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CUBA.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. BRIAN E. HASTINGS

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. DIXON R. SMITH

#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 28, 2016:

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. KENNETH P. EKMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. JON T. THOMAS

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. ALFRED F. ABRAMSON III  
COL. PETER B. ANDRYSIAK, JR.  
COL. ROBERT W. BENNETT, JR.  
COL. JONATHAN P. BRAGA  
COL. JOHN W. BRENNAN, JR.  
COL. DAVID E. BRIGHAM  
COL. MIGUEL A. CORREA  
COL. CLEMENT S. COWARD, JR.  
COL. PATRICK J. DONAHUE  
COL. CHRISTOPHER T. DONAHUE  
COL. ROBERT L. EDMONSON II  
COL. SCOTT L. EFFLANDT  
COL. DAVID J. FRANCIS  
COL. PAUL H. FREDENBURGH  
COL. DAVID M. HAMILTON  
COL. NEIL S. HERSEY  
COL. LONNIE G. HIBBARD  
COL. JOHNNIE L. JOHNSON, JR.

COL. OMAR J. JONES IV  
 COL. MARK H. LANDES  
 COL. DAVID A. LESPERANCE  
 COL. STEPHEN J. MARANIAN  
 COL. DOUGLAS M. MCBRIDE, JR.  
 COL. MATTHEW W. MCFARLANE  
 COL. STEPHEN L. MICHAEL  
 COL. CHRISTOPHER O. MOHAN  
 COL. LAURA A. POTTER  
 COL. ANTHONY W. POTTS  
 COL. ROBERT A. RASCH, JR.  
 COL. KENNETH T. ROYAR  
 COL. DOUGLAS A. SIMS II  
 COL. STEPHEN G. SMITH  
 COL. JOHN C. ULRICH  
 COL. ROBERT F. WHITTLE, JR.  
 COL. DAVID WILSON

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

GEN. JOHN E. HYTEN

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be vice admiral*

REAR ADM. CHRISTOPHER W. GRADY

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

LT. GEN. JOHN F. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. ROBERT D. MCMURRY, JR.

#### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. REYNOLD N. HOOVER

#### DEPARTMENT OF STATE

RENA BITTER, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND

PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

SUNG Y. KIM, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

ANDREW ROBERT YOUNG, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

W. STUART SYMINGTON, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

JOSEPH R. DONOVAN JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

#### UNITED NATIONS

CHRISTOPHER COONS, OF DELAWARE, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RONALD H. JOHNSON, OF WISCONSIN, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SEVENTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

#### IN THE AIR FORCE

AIR FORCE NOMINATION OF SCOTT E. WILLIAMS, TO BE COLONEL.

AIR FORCE NOMINATION OF JOHN D. CINNAMON, TO BE COLONEL.

AIR FORCE NOMINATION OF ALFRED G. TRAYLOR II, TO BE MAJOR.

AIR FORCE NOMINATION OF MARK C. ANARUMO, TO BE COLONEL.

AIR FORCE NOMINATION OF STEVEN C. M. HASSTEDT, TO BE COLONEL.

#### IN THE ARMY

ARMY NOMINATION OF KARL E. NELL, TO BE COLONEL.  
 ARMY NOMINATION OF TODD D. WOLFORD, TO BE COLONEL.

ARMY NOMINATION OF LANCE L. JELKS, TO BE MAJOR.  
 ARMY NOMINATION OF MATTHEW A. LEVINE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF DANIEL J. DONOVAN, TO BE COLONEL.

ARMY NOMINATION OF DONNA A. MCDERMOTT, TO BE COLONEL.

#### IN THE NAVY

NAVY NOMINATION OF THOMAS M. HEARTY, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JORDAN M. ADLER AND ENDING WITH RICHARD C. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH JOHN A. ALLEN AND ENDING WITH TIMBERON C. VANZANT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER D. AYALA AND ENDING WITH ANDREW S. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH FRANCIS B. CARNABY AND ENDING WITH REBECCA I. SUMMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN R. ADDISON AND ENDING WITH RUSSELL P. WOLFKIEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH JOSHUA C. ALCAZAR AND ENDING WITH JUI I. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH SILAS O. CARPENTER AND ENDING WITH CHRISTOPHER E. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH GALO A. CAVALCANTI AND ENDING WITH AUDRA M. VANCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER T. ABPLANALP AND ENDING WITH RYAN E. ZYVITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH STEVEN M. ARBOGAST AND ENDING WITH JOSEPH M. STARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH DORIAN R. ACKER AND ENDING WITH JASON YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

NAVY NOMINATIONS BEGINNING WITH MICHAEL A. AMMENDOLA AND ENDING WITH MICHAEL B. ZIMET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 22, 2016.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DIANA ISABEL ACOSTA AND ENDING WITH ELISA JOELLE ZOGBI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2016.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JENNISA PAREDES AND ENDING WITH JAMORAL TWINE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 2016.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JORGE A. ABUDEI AND ENDING WITH DEBORAH KAY JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2016.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN ROBERT ADAMS AND ENDING WITH DAVID M. ZWICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2016.